

CINCINNATI BUSINESS COURIER

PROFESSIONAL SERVICES

Cincinnati law firm wins conspiracy case with \$3 billion on the line



Joe Callow is a partner at Keating Muething & Klekamp. Mark Bealer

ANDY BROWNFIELD
Reporter, Cincinnati Business Courier

A Cincinnati law firm representing an Ohio egg producer accused of conspiring to limit production to keep prices high racked up a victory in a case with \$3 billion on the line.

Keating Muething & Klekamp partner Joe Callow represented Ohio Fresh Eggs, Ohio's largest producer of eggs and one of the biggest egg producers in the country. The company, along with 12 others, was sued by direct purchasers of eggs in a lawsuit that claimed the egg producers violated the Sherman Act by colluding to reduce egg production to artificially inflate the price.

Those direct purchasers include grocery stores, restaurants and food manufacturers.

The lawsuit was filed in 2008. After a 10-year battle, it went to trial in early May, which lasted six weeks. The jury deliberated for seven days and came back on June 14 finding Ohio Fresh Eggs did not engage in a conspiracy to keep prices high.

The direct purchasers in their lawsuit alleged that the egg producers, all members of the United Egg Producers who participated in a certification program for the treatment of hens, encouraged or participated in programs to reduce egg supply. That included an animal welfare initiative to give caged egg-laying hens more space.

Ohio Fresh was among 13 producers sued initially, and 10 of those settled for about \$150 million. The Croton company was among three that held out for a trial, along with R.W. Sauder Inc. and Rose Acre Farms Inc. Those three could have been on the hook for \$1 billion plus treble damages, which would have brought the total to \$3 billion.

"It's a tremendous result for Ohio Fresh as well as our other co-defendants," Callow told me. "These cases, given the legal issues and size of the cases, don't go to trial often, so to win a six-week jury trial when the jury deliberated for seven days is a great result."

Keating Muething & Klekamp is Cincinnati's third-largest law firm with 112 local practicing attorneys as of January 2018, according to Courier research.