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## **LITIGATION NOTE: Crowell & Moring Wins Dismissal with Prejudice for Antitrust and Labor Claims Against Port of Los Angeles**

**Los Angeles – November 9, 2020:** In April 2020, a federal antitrust suit was filed against the Port of Los Angeles, North America’s largest port. The plaintiff, developer Harbor Performance Enhancement Center LLC (HPEC), alleged it lost the opportunity to “develop one of the most valuable and unique assets in the country.” The suit followed the port’s 2015 selection of HPEC for exclusive negotiation of a project proposal to develop a vacant lot at the port. But after years of negotiations, the port and HPEC could never agree on a final project proposal, and the port eventually ended negotiations in May 2019. HPEC responded with litigation, first in state court and then in federal court, on the grounds that its negotiating contract was unlawfully terminated due to improper pressure from organized labor.

On November 3, after two rounds of motions to dismiss drafted by the Crowell & Moring team, the Central District of California dismissed with prejudice HPEC’s antitrust, National Labor Relations Act, and Section 1983 claims against the port and its Executive Director. The key issues underpinning the Court’s ruling in the port’s favor are the State Action Doctrine and the Local Government Antitrust Act. While fragments of the state law contract claims remain, it is a major win for the City Defendants on all aspects of the antitrust and other federal question claims.

Crowell & Moring represented the city of Los Angeles, the Port of Los Angeles, and the port’s Executive Director as outside antitrust counsel in the matter. The California-based antitrust & competition team was led by partner Jason Murray, counsel Rob McNary, and associate Akhil Sheth, and included associates Yao Mou and Gabrielle Trujillo. The firm has been globally recognized for the strength of its Antitrust & Competition practice. *Global Competition Review's* recently ranked the firm as "highly recommended" in its 20th edition of the "GCR 100: The World's Leading Competition Law and Economics Practices." In addition, the practice and its lawyers have been listed in both *Chambers USA* and *Chambers Global*.

The case is *Harbor Performance Enhancement Center v. City of Los Angeles Harbor Department*, No. 2:20-CV-03251 (C.D. Cal.).

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