



## Hal K. Litchford

Senior Counsel

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Hal Litchford devotes his practice primarily to the litigation, trial, and appeal of antitrust, trade regulation, and other significant business-related disputes, including class actions.

Mr. Litchford's broad experience includes antitrust and trade regulation matters, non-compete and trade secret law, and intellectual property law, among other areas. As a result of his extensive courtroom experience, he also has a related counseling practice.

Mr. Litchford's antitrust and business litigation experience created opportunities to represent motor vehicle manufacturers in their dealer network relationships. For more than 25 years, he has represented manufacturers in all aspects of their relationships with dealers and dealer networks, including litigation, administrative practice and hearings, and extensive counseling. This representation has also involved exporting and other distribution issues, both domestic and international.

Mr. Litchford was one of the first board-certified attorneys in Antitrust and Trade Regulation in the state of Florida, and holds the highest rating assigned by Martindale-Hubbell. He has received numerous recognitions from his peers, including listings in *Florida Super Lawyers*, *The Best Lawyers in America*,<sup>®</sup> and *Chambers USA: America's Leading Business Lawyers*.

Mr. Litchford is a well-known participant in bar activities. He has served as chair of the Business Law Section of The Florida Bar and chair of the Statewide Fee Arbitration Committee, and two terms on the Certification Committee of The Florida Bar for Antitrust and Trade Regulation Law. He has also served on the Appellate Rules Committee, as well as the ad hoc committee that drafted the standards for intellectual property certification in Florida.

Mr. Litchford has been in private practice in Orlando since 1980. He was one of the founding shareholders of Litchford & Christopher. Prior to coming to central Florida, he worked in the antitrust department of Howrey & Simon in Washington, D.C.

He is an accomplished author and presenter on the topics of antitrust and civil litigation, and frequently presents continuing legal education seminars across the state.



### Case Studies

- [Eleventh Circuit En Banc Appellate Ruling Affirms Dismissal of Antitrust Claims Against Automobile Insurer - Antitrust](#)



### Representative Matters

- Represented a major automobile insurance carrier in consolidated proceedings before the U.S. Court of Appeals for the Eleventh Circuit. In a unanimous panel opinion, the Eleventh Circuit upheld the District Court's dismissal of all antitrust claims for per se price-fixing and group boycott brought by body shop plaintiffs in one action while finding the Court lacked jurisdiction to decide the merits of two other actions where the body shops failed to timely file amended complaints, resulting in dismissals with prejudice converting to final judgments by operation of law on the same antitrust claims, which the body shops failed to timely appeal, divesting the Court of jurisdiction.

- Defended a major automobile insurer in multiple antitrust actions alleging per se price-fixing, group boycott, and related state claims that were consolidated in an MDL proceeding. Complaints were dismissed on the pleadings by the District Court with prejudice.
- Represented a major automobile insurance carrier in en banc proceedings before the U.S. Court of Appeals for the Eleventh Circuit. In an 8–1 opinion, the full court affirmed dismissals with prejudice of five bellwether antitrust complaints that alleged per se price-fixing and group boycott.
- Successfully defended the finance company affiliated with a motor vehicle manufacturer against a dealer termination lawsuit in federal court that sought in excess of \$30 million. After establishing that the dealer's damages were based on falsified financial statements, the District Court dismissed the case for egregious litigation misconduct. The Court also entered summary judgment against the former dealer in the alternative.
- Defended a federal False Claim Act qui tam action alleging EB-5 program violations and successfully moved for a stay of discovery and dismissal of the complaint. The dismissal was with prejudice.
- Obtained an order striking allegations, staying discovery, and ultimately dismissing a qui tam complaint brought by a whistleblower against a medical supply company for allegedly improper Medicare billing.
- Secured an order dismissing a federal lawsuit with prejudice by a competitor against a national provider of ancillary airport services brought under the Sherman Act, Clayton Act, and Oregon state laws, alleging monopolization and collusion in restraint of trade.
- Defended a motor vehicle manufacturer against claims alleging misappropriation of technology underlying OEM GPS units. After entry of summary judgment on all claims, the District Court awarded attorneys' fees incurred in defense of the case against opposing counsel pursuant to 28 U.S.C. §1127.
- Defended a case to a satisfactory settlement against a motor vehicle manufacturer that was sued in federal court by a dealer seeking damages from alleged unfair allocations of new automobiles.
- Successfully defended a manufacturer of a luxury line of automobiles in a case by a failed dealer alleging that the manufacturer misled and defrauded it regarding its market area and potential profitability.
- Obtained a permanent injunction in federal court against a competitor of the client that designed a sophisticated scheme to prey on client's market recognition and goodwill for an important dietary supplement brand. Our client, an over-the-counter brand manufacturer, recently acquired several established health care brands. During due diligence, we identified the scheme and filed an action in U.S. District Court for trademark and trade dress infringement, as well as false labeling. To settle the lawsuit, the defendants agreed to a permanent injunction against infringement, abandoned all markets for the competing product, assigned any rights to their infringing marks to our client, and paid a confidential but substantial sum to cover our client's attorneys' fees.
- Obtained an order from U.S. District Court dismissing an antitrust and tortious interference lawsuit with prejudice against a casualty insurance company. The plaintiffs were two local contractors who, when their business from the defendant insurers decreased after they declined to join the insurers' preferred list of disaster recovery companies, claimed that the insurers illegally steered their policyholders to their preferred contractors.
- Obtained an early dismissal of antitrust claim and summary judgment on remaining claims on behalf of a major automobile manufacturer in a lawsuit in U.S. District Court in which a vendor of specialized software for use by automotive dealerships sought eight-figure damages as a result of its decertification by the manufacturer.
- Secured a dismissal on the pleadings of a class action in U.S. District Court that alleged claims under the Florida Security of Communications Act against a major automobile manufacturer based on use of "session replay" software in its website.
- Successfully represented a motorcycle manufacturer in administrative protest proceedings in which two competing dealerships sought to prohibit the establishment of a new dealership.

- Represented a DMEPOS supplier in a lawsuit against its main competitor in the Southern District of Florida. After excluding all of the opposing party's experts on Daubert motions, the Court granted client's motion for partial summary judgment on liability on all its claims, including those based on violations of the Anti-Kickback Statute, and summary judgment against the competitor on all but one limited cause of action of its counterclaim. Case subsequently settled.
- Represented a major automobile manufacturer in a dealer's administrative challenge to its revised primary market area. Obtained a favorable settlement in mediation.
- Represented an individual complaining victim in connection with the criminal investigation of a fraudulent scheme in which he invested \$1 million.



## Professional Honors & Activities

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated by Martindale-Hubbell
- Listed in *Chambers USA* as a leading Antitrust (Band 1) lawyer in Florida (since 2007)
- Listed in *The Best Lawyers in America*<sup>®</sup> for Antitrust Law and Commercial Litigation (since 2006); Appellate Practice (since 2008); Bet-the-Company Litigation (since 2010); Litigation - Antitrust (since 2011); Consumer Protection Law (since 2022)
- Named the Best Lawyers<sup>®</sup> 2024 and 2021 Appellate Practice "Lawyer of the Year" in Orlando
- Named the Best Lawyers<sup>®</sup> 2021 and 2015 Antitrust Law "Lawyer of the Year" in Orlando
- Named to the *Lawdragon* 500 Leading Litigators in America list for Antitrust & Intellectual Property Litigation (2022 – 2024)
- Selected to *Florida Super Lawyers* for Business Litigation, Intellectual Property and Antitrust Litigation (since 2007)
- Listed among "Best Lawyers in Orlando," *Orlando Magazine* (2008 – 2011, 2014)
- Orange County Bar Association (Fee Arbitration Committee, Vice Chair, 1986 – 1987; Chair, 1987 – 1990)
- American Bar Association (Antitrust and Litigation Sections)
- District of Columbia Bar Association
- The Florida Bar (Business Law Section, Executive Council, 1991 – present, Secretary-Treasurer, 1998 – 1999, Chair-Elect, 1999 – 2000, Chair, 2000 – 2001; Antitrust and Trade Regulation Law Certification Committee, 2014 – 2015; Antitrust Committee, Vice Chair, 1991 – 1992, Chair, 1992 – 1994; Business Litigation Committee; Intellectual Property Law Committee; Continuing Legal Education Committee, 1993 – 1998)
- Board certified in Antitrust and Trade Regulation Law by The Florida Bar
- Antitrust and Trade Regulation Certification Committee of The Florida Bar (Member, 2000 – 2004; 2011 – present; Vice Chair, 2013 – 2014)
- Lawyer-Pilots Bar Association
- Commercial Pilot ASMEI and CFI



## Civic Honors & Activities

- Co-founder and board member – Central Florida Leadership Academy Charter School



## Publications

- "Remote Depositions: A Great Tool for Litigators During Coronavirus," *Trial Spotlight Newsletter* (August 2020)
- Co-author – "Virtual proceedings: A Practitioners' Guide," *Westlaw* (July 2020)
- Co-author – "Navigating Remote Depositions: A Practitioners' Guide," republished May 7, 2020, in *Bloomberg Law* (April 22, 2020)



## Speaking Engagements

- "Discovery in the United States: A Primer," Geneva Group International's European Conference, Cannes, France (April 2012)



## Education

- University of Virginia School of Law, J.D., 1978
- Vanderbilt University, B.S., 1975, cum laude



## Admissions

- District of Columbia, 1978
- Florida, 1979
- U.S. District Court, Middle District of Florida, 1980
- U.S. District Court, Southern and Northern Districts of Florida, 1981
- U.S. Court of Appeals, Fifth and Eleventh Circuits, 1981
- U.S. Supreme Court and U.S. Court of Appeals, Federal Circuit, 1988
- U.S. District Court, District of Colorado, 2000