

TOP WOMEN Lawyers 2021

Belinda S Lee



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Practice Type:
Litigation & Trial

Lee, the global vice chair of Latham's antitrust and competition practice, said key components of her practice are defeating challenging class certification battles and shielding her clients from criminal jeopardy as they undergo investigatory scrutiny.

Lee led the successful defense for client BMW AG and, working with the joint defense group for others in the so-called "Circle of Five" German automakers, drafted the winning dismissal motions that ended allegations of anticompetitive collusion. In re: German Automotive Manufacturers Antitrust Litigation, 3:17-md-02796 (N.D. Cal., filed Oct. 5, 2017).

In October 2020 U.S. District Judge Charles R. Breyer of San Francisco dismissed the plaintiffs' amended complaints with prejudice and without hearing oral argument. The claims came with the prospect of treble damages and attorney fees and posed a threat to automotive innovation, Lee said.

"The plaintiffs tried to piggyback on a European Commission investigation, but that was not enough to state a claim

under U.S. antitrust law," she said. The complaint alleged that BMW, Daimler AG, Volkswagen AG, Audi AG and Porsche AG colluded to limit the pace and extent of technological innovations in their vehicles.

She paraphrased Breyer as having remarked that much of the shared technology that underlay the plaintiffs' claims would be considered pro-competitive standard setting under U.S. law. The plaintiffs have filed a notice of appeal.

Drafting the motion to dismiss was a challenge, Lee said, because "when a court grants your motion but gives leave to amend, it gives the plaintiffs a road map to amending their complaint. So we weren't just trying to poke holes in their case, but also trying to drive the litigation toward issues we knew they couldn't fix."

She is pro bono class counsel for nearly 100 Christian, Jewish and Mandaean refugees from Iran stranded in Austria by the Trump administration's Muslim ban. Her work with the International Refugee Assistance Project has reunited dozens of class members with their U.S. families; others

remain in Austria in fear of deportation to Iran where they face persecution and incarceration. Doe v. Nielsen, 5:18-cv-02349 (N.D. Cal., filed April 18, 2018).

"Here I'm a plaintiffs' lawyer and class counsel," said Lee, who added that she has met some of the refugees and their families in the U.S. "It's been a real learning experience to see how that works from the other side."

— John Roemer