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Joseph R. Saveri

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A year ago, Joseph Saveri and his firm were gearing up to go to trial in three of the big antitrust lawsuits they had filed. Then in the spring, all three settled. Now, following a rare ruling by the judge, one of the settled cases may go to trial anyway.

In March, Saveri's team worked out an $82.5 million settlement for families of competitive cheerleaders from the dominant cheer organization they accused of price-fixing. *Jones v. Varsity Brands*, 2:20-cv-02892 (W.D. Tenn., filed Aug. 20, 2020).

In April, he brought in a $10.8 million all-cash settlement from two big tax-preparation services that had agreed not to compete for each other's employees or potential hires. *Robinson v. Jackson Hewitt Inc.*, 2:19-cv-09066 (D. N.J., filed May 28, 2019).

By far the biggest settlement the Saveri firm achieved was one for $335 million for about 2,000 professional mixed-martial arts fighters. They contend that the Ultimate Fighting Championship company dominates their sport, keeping their pay down and other potential employers out of the market. One estimate put the fighters' lost income at as much as $1.6 billion. *Le v. Zuffa LLC*, 2:15-cv-01045 (D. Nev., filed Dec. 5, 2017).

But at the end of July, U.S. District Judge Richard Boulware refused to approve the settlement. He didn't think the deal was enough money, Saveri said. "So, we're gearing up for a trial in early February."

The firm is pressing many other antitrust class actions, including two challenging hospital groups' dominance of healthcare in the Milwaukee and Pittsburgh areas and one seeking to block Microsoft's acquisition of video-game maker Activision Blizzard. After that purchase, he said, "one of the first things they did is raise prices for the games."

Saveri is proud of his firm's history of pushing antitrust law into new areas. He said it pioneered "no-poach" antitrust claims, like the *Jackson Hewitt* tax preparation case, as well as "reverse payment" drug cases against pharmaceutical companies that pay other drug makers not to bring out generics.

"We're willing to take on these challenges and really create a whole new area of the law," Saveri said.

They do it by applying established law to new circumstances. "We feel that we're continuing the development of law perhaps into places where others might have not thought about how it applied," he said.

Thus, in the last couple of years, Saveri and his colleagues have applied copyright law to sue artificial intelligence companies that train their software on others' protected creative works. The firm is moving ahead with seven class actions, including one against OpenAI and its ChatGPT model. *Tremblay v. OpenAI Inc.*, 3:23-cv-0323 (N.D. Cal., filed June 28, 2023).

"I think in large measure, the courts have agreed with us, and our cases are advancing," he said. "We do have a lot of company now from other lawyers or companies that are ... following the path we've really created."