

# **ROSENBERG & ESTIS, P.C.**

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**FOR IMMEDIATE RELEASE:**

## **ROSENBERG & ESTIS, P.C. CLIENT, RODALE, INC., WINS DISMISSAL OF MULTI-MILLION DOLLAR ANTITRUST SUIT**

*Federal Judge Rules Against Anderson News' Claim  
That Magazine Publishers (including Rodale) and National  
Distributors Conspired to Boycott Company, Put it Out of Business*

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[Rosenberg & Estis, P.C.](#) represented Rodale, Inc. in connection with the effort to secure summary judgment dismissing a multi-million-dollar antitrust suit against a group of seven publishers and national distributors of single-copy magazines, including, among others, Time, Inc., Hearst Communications, Inc. and American Media, Inc.

John M. Hadlock, of counsel, and Alexander Lycoyannis, member, of Rosenberg & Estis, represented Rodale in the suit before Judge Paul A. Crotty in the United States District Court for the Southern District of New York. Rosenberg & Estis separately moved for summary judgment on behalf of Rodale, and also joined in several briefs submitted on behalf of the other defendants.

The main plaintiff, Anderson News, L.L.C., a large wholesale distributor of magazines to retailers, asserted that the defendants had conspired to boycott it and drive it out of business. Anderson News claimed hundreds of millions of dollars in damages, which would have been trebled under the antitrust laws.

“If there were ever an antitrust case of the pot calling the kettle black, this is it,” Judge Crotty said in his 50-page decision. “In mid-January 2009, Anderson News, which had been losing money for years, unilaterally decided to raise its prices and shift its inventory costs to publishers and distributors in the single-copy magazine market. The publishers were given two weeks to fall in line with Anderson News’ new price and cost regime, ‘or else.’”

Later in the decision, Judge Crotty said: “Plaintiffs’ theory, that Defendants acted contrary to their self-interest when they rejected the Anderson price increase and inventory costs, and shifted their business to alternative wholesalers who were not imposing a surcharge or imposing inventory costs, is a concoction which is not plausible. Indeed it is ridiculous.”

Hadlock said: “The case against Rodale, Inc., made no sense, as the company took no steps to put Anderson News out of business. The court made the right decision that there was no antitrust claim.”

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**Rosenberg & Estis, P.C. Client, Rodale, Inc., Wins Dismissal of Multi-Million Dollar Antitrust Suit**

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*About Rosenberg & Estis, P.C.*

*Founded in 1975, Rosenberg & Estis, P.C. is widely recognized as one of New York City's pre-eminent real estate law firms. Rosenberg & Estis, P.C. represents clients in all aspects of real estate development, transactions, financing, litigation, rent regulation and governmental affairs.*

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