
Qwest Antitrust Win Stands

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WilmerHale's victory last fall on behalf of long-time client Qwest Communications Inc. in *MetroNet v. Qwest Communications, Inc.* became final this week when the U.S. Supreme Court declined to review the Ninth Circuit decision dismissing MetroNet's claims. MetroNet had alleged that Qwest violated the Sherman Act by illegally maintaining a monopoly over the market for small business local phone service in the Seattle/Tacoma area and by denying resellers access to an essential facility on terms that would enable them to earn a profit. The Ninth Circuit initially ruled that the district court had erred in granting summary judgment in favor of Qwest.

WilmerHale persuaded the Supreme Court to vacate the initial Ninth Circuit decision and on remand persuaded the Ninth Circuit to reverse itself and reinstate summary judgment for Qwest on the basis of the Supreme Court's intervening decision in *Verizon Communications, Inc. v. Trinko*, limiting the application of the essential facilities doctrine. The standing Ninth Circuit decision makes clear that after the Supreme Court's ruling in *Trinko*, allegedly dominant firms have no general duty under the antitrust laws to assist their rivals in competing against them.

[William Kolasky](#) and Jonathan Nuechterlein led the WilmerHale team that was co-counsel in the case with Perkins Coie, which put together the factual record on which the grant of summary judgment was based.

[Click here](#) for full details of the case.