

# Daily Journal

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## Christopher D. Dusseault

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**C**hristopher Dusseault is a seasoned trial and appellate lawyer with more than 25 years of experience. He specializes in representing clients in antitrust, class action and complex commercial litigation matters.

“I have always had a strong interest in sports, and I find that antitrust law involves many of the same core principles,”

Dusseault said. “Two or more competitors doing everything within their power to win and the question is often whether the winner got there on the merits through good, aggressive competition or by breaking the rules or committing a foul.”

One of his notable recent cases is *Burnett and Lutz v. HomeServices*. After a jury awarded nearly \$1.8 billion in pre-trebling damages to a class of Missouri home sellers who alleged that the National Association of Realtors and several corporate brokerages conspired to fix real estate commissions, Berkshire Hathaway affiliate HomeServices of America enlisted Dusseault and a Gibson Dunn team to handle post-trial motions, appeal and settlement negotiations. Dusseault successfully negotiated a settlement in which HomeServices agreed to pay \$250 million over four years in exchange for broad, nationwide releases.

Following the *Burnett* settlement, Dusseault was retained by HomeServices to represent the company in the *Lutz* case, an antitrust class action raising similar allegations, this time on behalf of a nationwide class of home buyers.

“These cases are among my most significant matters in the last few years because of their extraordinarily high stakes, because they involve an industry that touches the

lives of many Americans and involves what is often their single most valuable asset (their home), and because these cases are causing significant changes in the real estate industry,” he said.

Dusseault continued: “In the real estate commission case, and in several other of my cases, I have been brought in after an adverse result at trial to help turn around an unjust and outrageous result. This is a challenge in that the record of the case has already been established, and we are faced with the task of persuading the trial judge or the appeals court to reverse the jury’s verdict. But this challenge also is an opportunity, as we are often able to identify and articulate in a simple way why the outcome was wrong and why it must be reversed.”

In another significant matter, Dusseault leads a team defending Energizer Holdings in three antitrust class actions. Plaintiffs in these cases allege that Energizer entered into a vertical conspiracy with its customer Walmart to fix the prices of disposable batteries. These cases are particularly important as they challenge the ability of a company to decide how to distribute its own products, to whom it will sell those products, and at what prices, all within a rapidly changing marketplace.