TRANSPORTATION PRACTICE

Since 2007, the firm has represented All Nippon Airways in the U.S. government's criminal antitrust investigations of the air cargo and passenger air transportation industries, and in multiple civil class action lawsuits filed against ANA and other airlines. The government's criminal investigations were resolved without incarceration of any ANA employees, and the firm continues to defend ANA in the civil damages class action *In re Transpacific Passenger Air Transportation Antitrust Litigation*, pending in federal court in San Francisco.

Constantine Cannon represented the American Trucking Associations ("ATA") in litigation before a federal district court and appeals court seeking to enjoin rules adopted by the city-owned Port of Los Angeles that impose criminal penalties on private port terminal operators if they deal with motor carriers that have not obtained a discretionary "concession" from the Port. The concession program sought an "economic transformation" of port trucking and mandated compliance with a long list of requirements, including a prohibition against motor carriers' use of "independent owner-operators" as trucking subcontractors. ATA argued that the concession mechanism was preempted by federal statutes that forbid states and their political subdivisions from enacting rules "related to a price, route, or service" of a freight motor carrier and from partially suspending federally-registered motor carriers' right to serve routes in interstate commerce. After two rounds of appeals to the Ninth Circuit, ATA obtained a preliminary injunction against several concession provisions. The key independent owner-operator prohibition was also enjoined permanently. The Supreme Court granted *certiorari* with respect to other issues, and a decision is pending.