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Recent DOJ Setback Unlikely To Shift Labor Antitrust Focus



Late last month, the U.S. Department of Justice, Antitrust Division, suffered another defeat in its ongoing efforts to criminally prosecute conduct affecting workers' compensation and job mobility.

Unlike the Antitrust Division's prior litigated losses in labor market cases, *United States of America v. Patel* never reached the jury because U.S. District Judge Victor A. Bolden of the U.S. District Court for the District of Connecticut granted the defendants' motion for judgment of acquittal under Rule 29 of the Federal Rules of Criminal Procedure.

Such motions are often made but very rarely granted due to defendants' "heavy burden" to establish that evidence of the alleged crime "is nonexistent or so meager that no reasonable jury could find guilt beyond a reasonable doubt," according to an April 28 order from Judge Bolden.

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