



# Molly S. Crabtree

*partner*

Molly represents domestic and foreign companies in a range of litigation matters, including antitrust, construction, real estate, reinsurance and environmental matters. As chair of the firm's E-Discovery Practice Group, Molly works with all of our attorneys to proactively craft innovative solutions to discovery burdens and informational governance issues. She chairs the firm's Women's Leadership Initiative, and serves on the firm's Partnership Admission Committee.

Molly has more than a decade of experience in the investigation, criminal defense and civil defense of antitrust matters, ranging from single party disputes to national multi-district class actions and governmental prosecutions. Molly also leverages her deep understanding of data management and prevailing legal trends to work with clients on retail pricing issues. She often trains employees and stakeholders in antitrust compliance and detection.

Molly regularly represents public utilities in her construction and real estate practice, focusing on construction dispute resolution and litigation, and securing and defending property rights, including significant injunction and restraining order work as a successful trial attorney.

Molly's reinsurance work includes complex litigation in federal court and arbitration settings, with a focus on minimizing the burden of such proceedings to achieve favorable results for clients.

As an environmental litigator, Molly counsels her clients on EPCRA, CERCLA and RCRA issues. She regularly represents her clients' interests in investigatory and adversarial proceedings with governmental agencies and interest groups. She further counsels companies on sulfuric acid, methanol, SO<sub>x</sub>, NO<sub>x</sub> and PM emissions and emergency release reporting, as well as SARA compliance.

## REPRESENTATIVE MATTERS

### Antitrust

- Provides counsel on Minimum Advertised Pricing (MAP) issues and retail price management to a wide range of clients and products, with domestic and international implications, including an e-commerce focus

## CONTACT

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## SOCIAL MEDIA

### Blogs

antitrustlawsource.com

## EDUCATION

Case Western Reserve University  
School of Law, J.D., *magna cum laude*, 2001

The Ohio State University, B.S.,  
*cum laude*, 1997

## SERVICES

### Litigation

- Antitrust litigation
- Commercial litigation
- E-Discovery
- Non-competition and trade secrets litigation
- Class actions, mass torts and MDLs

- Negotiated favorable result for a network of retirement communities in a state Attorney General antitrust investigation
- Defended packaged seafood industry member in price fixing allegations and assisted in removal of cases to pending multi-district litigation forum with multiple class cases
- Counseled international consumer and industrial products manufacturer and its subsidiaries on compliance efforts and sales practices, including company-wide policy revisions to internet sales policies and Minimum Advertised Pricing policy. Following policy revision, negotiated a partnership with a price monitoring firm for a cost effective and efficient short- and long-term solution allowing for consistent enforcement
- Defended Japanese executives in multinational litigation relating to international price fixing allegations
- Represented international automotive suppliers in alleged auto parts price fixing conspiracy in both criminal and civil multi-national proceedings
- Counseled Ohio company selling motorcycle and ATV parts globally to review the minimum advertised pricing policies they are subject to, and to strategize how to comply and whether to stop selling certain brands in light of those policies, including analysis of foreign pricing laws

#### **Class Action**

- Representing Japanese-based multi-national companies in multiple class actions regarding alleged price fixing of auto parts
- Successfully obtained dismissal of class allegations against multi-national industrial client on class nuisance claims
- Secured a complete defense verdict as part of a trial team for a major egg producer against allegations of price fixing and conspiracy to reduce the nation's supply of eggs. With the class seeking more than \$1 billion in damages, saved the client from a potential \$3 billion trebled judgment
- Defended packaged seafood industry member in price fixing allegations and assisted in removal of cases to pending multi-district litigation forum with multiple class cases
- Defended auto parts suppliers in multi-national litigation, including Canadian and Brazilian proceedings

#### **E-Discovery**

- Assisted in substantive development of a review and production platform to customize software to client needs and for efficient integration of emerging technology
- Trained and coordinated multi-year document review spanning four years of nationwide data
- Navigated international collection and production protocols from Japanese companies, including production of transactional data
- Developed protocols for use by joint defense group in order to share data across claims in different repositories without need to re-code data

## **SERVICES (CONTINUED)**

### **Environmental**

- Chemical industry

### **Antitrust & Consumer Protection**

### **Business Competition, Advice & Litigation**

- Antitrust advice and litigation
- Non-competition and trade secret counseling and litigation

### **Business Growth & Operation**

- Chemicals

### **Automotive & Mobility Emerging Technologies**

- Startups, business formation and operation

### **International Business & Trade**

- Antitrust and competition law
- Cross-border litigation and arbitration

### **Construction**

### **Real Estate**

- Appropriation and eminent domain

### **Reinsurance Litigation & Arbitration**

- Regularly develop protocols for use by joint defense groups in order to share data across claims in different repositories without need to re-code data
- Negotiated detailed review and production protocols with the Department of Justice for multiple clients, and efficiently transitioned investigation productions into civil productions for use in follow-on actions
- Litigated enforcement of e-discovery plan to optimize production and searchability of opposing party's data
- Litigated ineffective legal hold on electronic information and obtained relief for regional bank in non-compete case
- Developed non-traditional work flows to ensure consistency of privilege calls across several terabytes of data being reviewed by more than two dozen reviewers
- Trained and managed a remote team for expedited FINRA e-discovery efforts, including follow-up consultation on data management to streamline future responses

#### Environmental law

- Regularly counsels clients on EPCRA/CERCLA emergency reporting and follow-up compliance issues.
- Successfully defended multinational company in nuisance class action claiming regulated, legal emissions were responsible for mass property damage
- Defended coal-fired electric utility in lawsuit claiming health effects from emissions
- Defended several electric utilities in enforcement actions brought by Department of Justice under New Source Review/Prevention of Significant Deterioration portions of Clean Air Act

#### BAR ADMISSIONS

- Ohio
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio

#### PRESENTATIONS

- "Recent Developments & Trends in E-Discovery," Central Ohio Association of Corporate Counsel, 2016-2023
- "Emergency Release and Information Request Preparedness," 33rd Annual OCTC Conference, 2022
- "The End of E-Discovery Sanctions," 11th Annual Ohio Litigation Support Statewide Meeting, Oct. 2, 2019
- "When Something Goes 'Boom' in the Night...Reporting Obligations Under CERCLA/EPCRA, Clean Air Act 112(r) and Ohio's Malfunction Rule," Environmental Permitting in Ohio Conference, Manufacturers' Education Council, July 2019
- "Ghost Protocol: Protecting the Assets, Practical E-Discovery Tips for Employers," Porter Wright Employment Relations Seminar, Oct. 20, 2016
- "Recent Antitrust Developments in the Health Care and Pharmaceuticals Markets," Recent Developments Initiative, American Bar Association Section of Antitrust Law Health Care and Pharmaceutical Committee, November 2015
- "Antitrust & E-Discovery Issues," Japanese Business Society of Detroit, Japan Auto Parts Industries Association, Sept. 26, 2014

- “Pro Bono Representation into Attorney Practice,” Ohio State Bar Association Annual Convention, May 1, 2014
- “Recent Antitrust Developments in the Health Care and Pharmaceuticals Markets,” American Bar Association Recent Developments Initiative, March 5, 2014

#### PUBLICATIONS

- “Recent developments in excess, surplus lines and reinsurance Law,” *ABA Tort Trial & Insurance Practice Law Journal*, Spring 2020-2022
- “Best practices for recording video conferences and protecting internal data during and after COVID-19,” *Columbus Business First*, May 27, 2020
- “The Legal Aid Society of Columbus: Improving our entire community,” *Columbus Business First*, June 15, 2019

#### PROFESSIONAL ASSOCIATIONS

- Columbus Bar Association
- Ohio State Bar Association
- American Bar Association

#### HONORS | AWARDS

- *The Best Lawyers in America*®
- Ohio Super Lawyers, Rising Stars Edition
- Order of the Coif

#### COMMUNITY

- Girl Scouts of Ohio’s Heartland, Board Member, 2015-present, Executive Committee, 2019-2022
- Legal Aid Society of Columbus, Board of Directors, 2011-present; Vice Chairperson, 2013-2016; Chairperson, 2016-2019