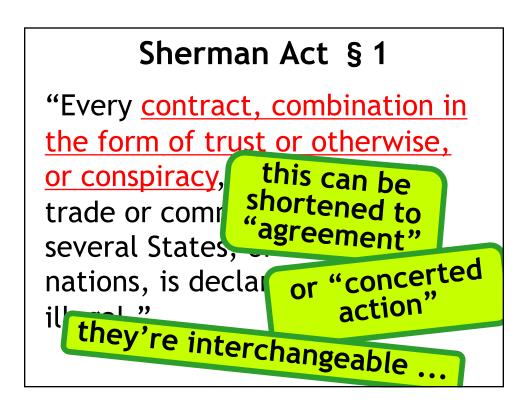


Sherman Act § 1

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal."

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Are the defendants separate entities?

- Any arrangement between a corporation and its wholly owned subsidiary <u>cannot</u> form a § 1 agreement. *Copperweld v. Independence Tube* (U.S. 1984).
- Two sister subsidiaries that are wholly owned by the same parent corporation cannot form a § 1 agreement. Advanced Health-Care v. Radford Community Hospital (4th Cir. 1990).
- Otherwise, the test is "whether the agreement joins together 'independent centers of decisionmaking." American Needle v. NFL (U.S. 2010).

