

748 F.2d 602, *, 1984 U.S. App. LEXIS 15990, **;
1984-2 Trade Cas. (CCH) P66,311; 40 Fed. R. Serv. 2d (Callaghan) 954

***Antitrust & Trade Law > Private Actions > Injuries & Remedies > General Overview
Evidence > Procedural Considerations > Burdens of Proof > General Overview***

[HN3] The law does not require an antitrust plaintiff to show that the defendant's wrongful action was the sole proximate cause of the injury sustained. The plaintiff need only prove, with a fair degree of certainty, that defendant's illegal conduct materially contributed to the injury.

Antitrust & Trade Law > Clayton Act > General Overview

***Antitrust & Trade Law > Private Actions > Injuries & Remedies > General Overview
Evidence > Procedural Considerations > Burdens of Proof > General Overview***

[HN4] It is enough that the illegality is shown to be a material cause of the injury; a plaintiff need not exhaust all possible alternative sources of injury in fulfilling his burden of proving compensable injury under § 4 of the Clayton Act.

Antitrust & Trade Law > Private Actions > Standing > Clayton Act

Civil Procedure > Justiciability > Standing > General Overview

Evidence > Procedural Considerations > Burdens of Proof > General Overview

[HN5] Standing to prosecute a private antitrust action under § 4 of the Clayton Act requires the plaintiff to prove that he is within that sector of the economy, which is endangered by a breakdown of competitive conditions in a particular industry. The plaintiff must be the target against which anticompetitive activity is directed. The injury must be of the type the antitrust laws were intended to prevent and that flows from that which makes defendants' act unlawful. Incidental or consequential injury or injury remotely caused by an antitrust violation does not give a plaintiff standing to complain that he has been injured by reason of anything forbidden in the antitrust laws.

Antitrust & Trade Law > Private Actions > Standing > General Overview

Civil Procedure > Justiciability > Standing > General Overview

[HN6] Neither an officer nor an employee of a corporation has standing to bring an action in his own right for an antitrust violation causing injury to the corporation and its business. Such persons may suffer indirect or secondary financial injury from antitrust violations, but they are not the target of the anticompetitive practices.

Civil Procedure > Parties > Self-Representation > General Overview

[HN7] See 28 U.S.C.S. § 1654.

Civil Procedure > Parties > Self-Representation > General Overview

[HN8] Corporations must always be represented by legal counsel.

Business & Corporate Law > Corporations > Dissolution & Receivership >

Termination & Winding Up > Limited Survival

Civil Procedure > Parties > Substitutions > General Overview

[HN9] Georgia law provides that a cause of action on behalf of a corporation, which is the subject of litigation pending on the date of dissolution, may continue to be prosecuted by the corporation in its corporate name. Ga. Code Ann. § 14-2-293 (1982). A dissolved corporation may maintain a federal suit when it has been given that power by state law.

For internal use only