# Hughes Hubbard & Reed

# Firm Defends Sinclair in Multidistrict Class Action

News & Events

**August 26, 2022** – HHR is currently representing media company Sinclair Broadcast Group in a widely reported discovery dispute over access to Nielsen ratings data in an ongoing multidistrict class action.

The putative class action, pending in the Northern District of Illinois, alleges that ten major broadcast groups, including Sinclair, were involved in a nationwide conspiracy to fix prices for broadcast television spot advertising and to exchange competitively sensitive information about their TV spot ad revenues. The plaintiffs are two advertising agencies and two advertisers who purchased spot advertising from the defendants.

In July, the plaintiffs filed a motion to force media data and analytics firm Nielsen Co. to produce its ratings data, arguing that the company had already shared ratings data with the defendants, and that such data was necessary to prove the plaintiffs' case. The plaintiffs also moved to compel Sinclair to produce the ratings data it had received from Nielsen.

Sinclair responded that the plaintiffs had waited more than 18 months after discovery began to request data from Nielsen, while Sinclair and the other defendants had already been working with the data collector to obtain the right to use that information in the litigation. After months of negotiation, Nielsen agreed to allow the defendants to access a limited subset of ratings data for the case. Sinclair noted that nothing in that agreement prevented the plaintiffs from reaching their own deal with Nielsen to access ratings data.

"Defendants and Nielsen have both repeatedly offered to cooperate with plaintiffs to secure consent for all parties to access ratings data," HHR said, on behalf of Sinclair, in its brief opposing the plaintiffs' motion. "The only 'delay' is plaintiffs' 18-month lassitude in seeking data that they now claim is critical to this case." The current end date for discovery is December 30.
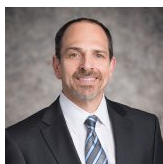
The case was recently covered by Law360.

Bill Kolasky, Philip Giordano and Fara Tabatabai are representing Sinclair, with assistance from Kristin Millay, Carl Mills, Shayda Vance, Jim Canfield and Daniel Chan.
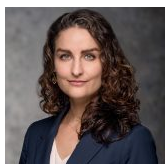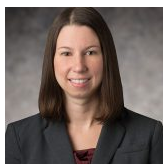
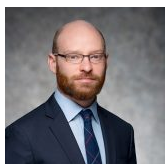## Related People

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**Philip A. Giordano**
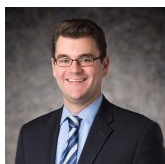
**Fara Tabatabai**

**Kristin Millay**

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