

An Olympian Bid for Airline Suits

The City Too Busy to Hate Battles The City of Brotherly Love

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SAN FRANCISCO - In a site-selection sweepstakes reminiscent of the bidding for the 1996 Olympics, rivals from around the country argued in a cavernous federal courtroom here last week over whether Atlanta should host the pre-trial consolidation of a world-class - and potentially record-sized - fleet of airline antitrust suits.

Philadelphia is the other leading contender. At stake is, which of two camps of litigators will ultimately control a probably enormous class action made up of 31 suits filed in 10 federal courts from Seattle to Newark - a mass of litigation infinitely more lucrative to the lawyers than to any individual class member.

The complaints accuse the major domestic airlines of conspiring to fix prices on the more than 200 million domestic tickets sold to individuals each year. The plaintiffs seek untold millions in damages on behalf of anyone who bought an airplane ticket in the United States since late 1987 or early 1988.

Only nine attorneys actually appeared at Friday's arguments before the six bespectacled and silver-haired judges who comprise the Judicial Panel on Multi-District Litigation and only four lawyers spoke. But present on paper were scores of firms from dozens of cities representing the 48 plaintiffs named thus far.

Atlanta is the venue of choice for 14 firms from across the country, but Philadelphia is the situs preferred by 12 Pennsylvania plaintiffs firms and the 10 airline defendants.

Before the Multi-District Panel are two motions. The first, joined by 23 plaintiffs with cases in Atlanta and eight other districts, asserts that all the cases should be transferred to Atlanta's U.S. District Judge Marvin H. Shoob, who presently has four of the cases. The competing motion, supported by 25 Philadelphia plaintiffs and the airlines, urges that the litigation be sent to Philadelphia's U.S. District Judge J. William Ditter Jr., who now presides over 14 cases.

Carr Keeps His Seat

Atlanta's bid was argued to the panel by Vance K. Opperman of Minneapolis' Opperman Heins & Paquin and David J. Berman of San Francisco's Berman, Berkley & Lasky.

W. Piers Carr of Atlanta's Carr, Tabb & Pope, who is counsel of record in three of the four Atlanta suits and who filed the motion for transfer to Atlanta, did not argue, though he was there to watch.

Opperman, Berman and Carr, who appear to be the leading strategists in the Atlanta contingent, met in San Francisco the day before the hearing and decided that Atlanta's cause should be carried by the lawyers from Minnesota and California. "We don't want to give the panel the impression this is an Atlanta movement," Carr said before the hearings.

As for the Philadelphia team, Carr claimed, "As best we can tell no case outside Philadelphia supports Philadelphia."

Carrying the flag for the city of brotherly love, Dianne M. Nast of Philadelphia's Kohn, Savett, Klein & Graf, replied, "I don't have any response to that you can print."