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CLIENT ALERT

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In recent years, manufacturers have been rapidly increasing the price of fire apparatus and ambulances by up to 200%. In response to escalating prices, several law firms have started the process of filing both single-plaintiff and class action lawsuits against fire apparatus manufacturers and we understand some are also addressing ambulance manufacturers. The plaintiff firms that have filed these lawsuits believe the extraordinary price increases are the result of illegal monopolization of the fire apparatus manufacturer industry. Various private equity groups and larger apparatus manufacturers have been acquiring fire apparatus manufacturers, resulting in this industry consolidation, coercing excessive price increases.

Section 7 of the Clayton Act, codified at 15 U.S.C. § 18, prohibits a person or entity engaged in commerce from acquiring the stock or assets of another company if the effect of the acquisition may substantially lessen competition or tend to create a monopoly in any line of commerce or geographic area. It is possible that these private equity groups and manufacturers have violated the Clayton Act through their numerous mergers and acquisitions.

We know that many clients have felt the brunt of these incredible price hikes and may be interested in taking legal action against apparatus manufacturers or joining a class action suit. If your fire district or municipality is interested in taking legal action, there are a few prerequisites to establish eligibility to bring or join one of these lawsuits. Because the statute of limitations on these claims is four years, the key requirement is that you must have paid for fire apparatus within the last four years, For example, if you entered into a contract to finance the purchase of a fire apparatus six years ago but have made payments on that debt in the past four years, you may still be eligible.

When evaluating whether your municipality or fire district may qualify to join one of these class-action lawsuits, you'll need to answer the following questions:

i. Have you purchased or made payments on fire apparatus within the last four years?

ii. From which manufacturer did you purchase your fire apparatus?

iii. When was your contract entered into and what was its effective date?

a. What was the purchase price?

b. What was the payment plan/structure?

iv. Have you experienced a delay in the receipt of your fire apparatus after paying on the debt or entering into your contract?

The class action lawsuits are ongoing and are willing to take on more plaintiffs, but the statute of limitations is extremely important. Therefore, it is urgent that you gather your information and discuss your willingness to join a suit if you are interested. Please contact us if you have questions or wish to discuss whether your fire district or municipality may qualify as a potential claimant.

*ODHC is not participating as counsel in any of these lawsuits on behalf of any client. This alert is strictly for the purpose of informing our clients of the existence of the pending class action lawsuits and is not intended to solicit nor coerce any client to join a class action lawsuit. *

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