

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-14855
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 8, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 07-00357-CV-WS

MOBILE COUNTY WATER, SEWER
AND FIRE PROTECTION AUTHORITY, INC.,

Plaintiff-Appellant,

versus

MOBILE AREA WATER AND SEWER
SYSTEM, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Alabama

(April 8, 2009)

Before BLACK, MARCUS and ANDERSON, Circuit Judges.

PER CURIAM:

Mobile County Water, Sewer and Fire Protection Authority, Inc. (MoCo) appeals the district court's grant of summary judgment to Mobile Area Water and Sewer System, Inc. (MAWSS). MoCo brought suit against MAWSS seeking injunctive relief under federal and Alabama state antitrust laws. MAWSS moved for summary judgment, arguing it was immune from liability under the doctrine of state action immunity. MoCo filed a cross-motion for summary judgment on its antitrust claims and contended MAWSS was not entitled to state action immunity.

On July 23, 2008, the district court granted MAWSS's motion for summary judgment and denied MoCo's motion for summary judgment. The court concluded the principles of state action immunity barred MoCo's antitrust claims against MAWSS because MAWSS's challenged conduct followed a clearly articulated and affirmatively expressed state policy. Specifically, the court found MAWSS's conduct was authorized by the Alabama legislature and its anticompetitive effect was a foreseeable result of this authorization. After reviewing the record and the parties' briefs, we agree MAWSS is entitled to state action immunity and affirm for the reasons stated in the district court's well-reasoned order, which is published at 567 F. Supp. 2d 1342 (S.D. Ala. 2008).

AFFIRMED.