

Unilateral Price Policy **Unilateral Price Policy!**

Maryland Antitrust Act - Establishment of Minimum Sale Price for Commodities or Services - Prohibited.

PWA will attempt to provide information regarding M.A.P. and Unilateral Pricing whenever possible. If you are participating in any of these types of programs, you should consult your attorney for up to the minute advice. PWA does not offer any legal advice or opinion and each company should seek legal advice from your own attorney.

On April 14, 2009, Maryland Governor Martin O'Malley signed into law a bill that made vertical agreements on minimum consumer price an unreasonable restraint of trade under the Maryland Antitrust Act.

This bill was passed in reaction to the 2007 United States Supreme Court decision, *Leegin Creative Leather Products, Inc. vs. PSKS, Inc.*, 127 S. Ct. 2705. The *Leegin* decision reversed the Court's 96 year ban prohibiting vertical resale price agreements, replacing it with the more lenient Rule of Reason standard. This legislative change in Maryland increases the likelihood of both public and private actions against manufacturers whose resale price maintenance strategy crosses the line from unilateral to bilateral conduct.

For the full text of the law, please go to: <http://mlis.state.md.us/2009rs/billfile/sb0239.htm> or contact Chris Finnerty at 617-573-4723 and chris.finnerty@nelsonmullins.com

Manufacturers with a Unilateral Price Policy:

ACC PERFORMANCE
 ADVANCED FLOW ENGINEERING
 AEM
 BULLY DOG TECHNOLOGIES
 CENTERFORCE / MIDWAY INDUSTRIES
 CFMPLUS, LLC
 DISC BRAKES AUSTRALIA
 EDGE PRODUCTS
 FASS FUEL SYSTEMS
 GRANATELLI MOTORSPORTS
 MSD IGNITION
 ROLL-N-LOCK CORPORATION
 S & B FILTERS
 SCT, LLC

MAP Minimum Advertised Price Program MAP

MAP is a suppliers' policy that its channel members are not permitted to advertise prices below some specified amount (the minimum advertised price). MAP programs are often incorporated into the suppliers cooperative advertising policy. Get your MAP logo at www.pwa-par.org/advertising. [We appreciate the 92 PWA Manufacturer Members that have a MAP Policy:](#)

ACCESS BY ACI
 ADVANCED CLUTCH TECHNOLOGY
 ADVANCED FLOW ENGINEERING
 AED PERFORMANCE PRODUCTS
 AEM
 AIRAID FILTER COMPANY
 AMERICAN AUTO ACCESSORIES
 ANDERSEN MANUFACTURING
 ANSA AUTOMOTIVE PARTS
 ANSEN ENTERPRISES
 APSI - FITCH FUEL CATALYST
 ATS DESIGN
 AUTO METER PRODUCTS
 B + G SUSPENSION SYSTEMS
 BBK PERFORMANCE
 BD DIESEL PERFORMANCE
 BELLTECH / KW AUTOMOTIVE
 BODY ARMOR / TOLAR MFG
 BORGESON UNIVERSAL
 BULLY DOG SALES & DISTRIBUTION
 CGS PERFORMANCE PRODUCTS
 COMPETITION CAMS
 COMPETITION CLUTCH
 DIABLOSPORT, INC.
 DIESEL PERFORMANCE PRODUCTS
 DISC BRAKES AUSTRALIA
 DOUG THORLEY HEADERS
 EDGE PRODUCTS
 EXEDY GLOBALPARTS
 EXTANG CORPORATION
 FABTECH MOTORSPORTS

FASS FUEL SYSTEMS
 FLEX-A-LITE CONSOLIDATED
 FLITZ INTERNATIONAL
 G-FORCE RACING GEAR
 GIBSON PERFORMANCE EXHAUST
 GRANATELLI MOTOR SPORTS
 HAWK PERFORMANCE
 HUSHMAT
 HYPERTECH
 INJEN TECHNOLOGY
 IPCW / IN PRO CAR WEAR
 JE PISTONS
 JONES EXHAUST SYSTEMS
 K & N ENGINEERING
 MACNEIL AUTOMOTIVE
 MAGNAFLOW PERFORMANCE
 MBRP INC.
 MEZIERE ENTERPRISES
 MOTOR CITY AUTOMOTIVE PRODUCTS
 MSD IGNITION
 OPTIMA BATTERIES
 P I A CORPORATION, USA
 PACE EDWARDS
 PERFORMANCE ANALYSIS
 PJ1...PJH BRANDS
 POP & LOCK CORPORATION
 POWER SLOT / POWER PERF
 PRO PARTS LLC
 PROBE RACING COMPONENTS
 PRW
 RACEQUIP / SAFE-QUIP

RAMSEY WINCH COMPANY
 RANCHO / DYNOMAX
 READYLIFT SUSPENSION
 REVTEK INDUSTRIES
 ROYAL PURPLE LTD.
 S & B FILTERS
 SCT, LLC
 SKYJACKER SUSPENSIONS
 SNOW PERFORMANCE
 STAMPEDE PRODUCTS
 STEWART WARNER PERFORMANCE
 STS TURBO
 SUPERCHIPS
 SUPERLIFT SUSPENSION
 SURF CITY GARAGE
 SYSTEM 1 FILTER PRODUCTS
 THE HOFFMAN GROUP INTERNATIONAL
 TIMBREN INDUSTRIES
 TOKICO / HITACHI HP
 TOTAL COST INVOLVED
 T-REX GRILLES
 TRUCK COVERS USA
 TRUE FLOW
 TRUXEDO
 TURBOSMART USA
 VEHICLE PERFORMANCE SYSTEMS
 VHT - DUPLICOLOR
 VIBRANT PERFORMANCE
 VOLANT COOL AIR INTAKES
 WESTIN AUTOMOTIVE PRODUCTS