

US adds eBay to accused firms in 'poaching' probe (Update)

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The civil antitrust lawsuit said eBay violated antitrust laws in an

agreement not to recruit or hire Intuit employees, the Justice Department said.

The suit claims then-eBay chief executive Meg Whitman and Intuit founder Scott Cook agreed to the plan, which "deprived these employees of better job opportunities."

eBay denied any violations and pledged to contest the lawsuit.

Officials said it was not necessary to name Intuit in the complaint because the company had previously been named in a September 2010 lawsuit and settlement, which bars Intuit from entering into these types of agreements.

In the earlier case, the Justice Department's Antitrust Division filed suit against six big tech firms—Adobe Systems, Apple, Google, Intel, Intuit and Pixar—over a series of bilateral agreements not to solicit each other's employees.

All six companies entered into a settlement that prohibited them from these practices.

The eBay case grew out of the same investigation.

Officials said the eBay-Intuit agreement "was enforced at the highest levels of each company," and barred either firm from soliciting each other's employees, and for over a year barred eBay from hiring any Intuit employees at all.

The suit alleges that Whitman, then eBay's CEO, and Cook, Intuit's founder and executive committee chair, were "intimately involved in forming, monitoring and enforcing the anticompetitive agreement," a Justice Department statement said.

California Attorney General Kamala Harris filed a similar lawsuit in the state, saying the "handshake" hiring agreement harmed employees and competition.

"If California is going to continue to be the high-tech capital of the world, we can't allow anticompetitive conduct that prevents talent from going where it's put to its highest use," she said in a statement.

Lara Wyss, a spokeswoman for eBay, said the lawsuits "are using the wrong standard."

"We compete openly for talent in a broad, diverse global market across a range of industries and professional disciplines, and eBay's hiring practices conform to the standards that the Department of Justice has approved in resolving cases against other companies," Wyss said in a statement.

"The DOJ and state Attorney General are taking an overly aggressive interpretation in their enforcement of antitrust law in this area. eBay will vigorously defend itself."

A class-action lawsuit on behalf of affected employees is proceeding in California on the matter against Apple, Google, Pixar and others.

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