Federal Bar Association

# Antitrust Trends

Federal Bar Association Antitrust and Trade Regulation Section

Summer 2026

## The Emerging Antitrust Enforcement Landscape: Federal and State Antitrust in Motion

**by Mark C. Grundvig, Chair**

Antitrust enforcement is entering a new phase. While changes in administration often bring shifts in emphasis, the current moment feels especially consequential—not because antitrust has faded from prominence, but because its center of gravity is moving. At the federal level, we are seeing meaningful recalibration in merger review, litigation strategy, and criminal enforcement priorities. At the same time, state attorneys general are stepping into a more assertive and independent role, shaping cases, remedies, and even doctrine in ways that would have been far less common only a few years ago.

The result is a more dynamic and more complex enforcement environment. Federal agencies continue to pursue major monopolization cases against dominant technology platforms, maintain a strong criminal program, and signal new areas of interest to include ESG, DEI, and content moderation. Meanwhile, state attorneys general are no longer simply joining federal matters as supporting players. Increasingly, they are bringing their own actions, pressing for tougher remedies, and continuing cases after federal settlements.

Taken together, these trends underscore two themes. First, antitrust enforcement today cannot be understood through a federal lens alone. State enforcers are increasingly central to the development of the law and to the practical realities of investigations, settlements, and trials. Second, the current enforcement landscape is not simply more aggressive or less aggressive than before—it is differently structured, with priorities, processes, and institutional actors evolving all at once.

In this issue of *Antitrust Trends*, Robin Crauthers and George Sakkopoulos of Wilson Sonsini Goodrich & Rosati examine the second Trump administration's first year of federal antitrust enforcement in "**Trump 2.0 at Year One: A Federal Antitrust Checkup,**" highlighting the return of negotiated remedies, the continuing push in major Section 2 litigation, and the expansion of criminal enforcement tools. Jeremy Keeney of Ashurst Perkins Coie explores the growing role of state enforcers in "**State AGs: The New Frontier of Antitrust Enforcement,**" showing how state attorneys general are increasingly driving outcomes both alongside and apart from their federal counterparts.

I think you'll find these articles especially timely. For practitioners advising clients on transactions, investigations, litigation risk, or compliance, understanding today's antitrust environment requires close attention to both Washington and the states. Whether enforcement ultimately proves more coordinated or more fragmented, one thing is clear: antitrust decision-making is now taking place across more forums, with more actors, and with greater consequence than ever.

As we move through the summer, I invite you to stay engaged with our Antitrust and Trade Regulation Section. Share your perspectives, suggest future topics, or join one of our upcoming programs. The enforcement map is changing quickly, and *Antitrust Trends* remains a valuable place to track where it is headed.

**Mark C. Grundvig** Chair, Antitrust and Trade Regulation Section

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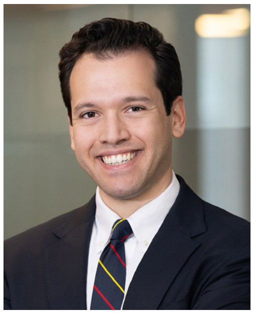

# Trump 2.0 at Year One: A Federal Antitrust Checkup

**By Robin Crauthers and George Sakkopoulos,**
**Wilson Sonsini Goodrich & Rosati**

The second Trump administration has spent its first sixteen months defining a federal antitrust enforcement agenda that departs meaningfully from its predecessor in merger control and agency process, while maintaining—and in some respects intensifying—the prior administration's posture in litigation and criminal enforcement and starting initiatives as to whistleblowers, content moderation, ESG, and DEI. Three verticals merit attention: merger control, civil litigation, and criminal enforcement.

## I. Merger Control: The Return of the Remedy

The defining shift in merger enforcement has been the return of the negotiated remedy. The Biden Federal Trade Commission (FTC) and Department of Justice (DOJ) Antitrust Division under Lina Khan and Jonathan Kanter, respectively, had largely abandoned consent decrees, treating structural settlements as inadequate substitutes for outright blocking transactions. Under the Trump administration, that policy has been reversed. Former DOJ Antitrust Division Assistant Attorney General Gail Slater publicly committed to settling cases with "targeted and well-crafted consent decrees," a posture quickly borne out in practice across industries.

In semiconductors, the FTC's first consent agreement resolved concerns with the $35 billion Synopsys/Ansys merger, requiring divestiture of Synopsys's optical and photonic software products and Ansys's PowerArtist power-consumption analysis tool to Keysight Technologies.[1] In energy, the DOJ required Constellation Energy to divest six natural gas power plants in Delaware, Pennsylvania, and Texas to proceed with its $26.6 billion acquisition of Calpine Corporation, the first DOJ consent decree in an electricity merger in fourteen years.[2]

The administration also restored early termination of HSR waiting periods, suspended entirely during the Biden years, meaningfully compressing deal timelines for uncontroversial transactions. The FTC abandoned the Biden-era practice of routinely imposing prior-approval requirements in merger consent orders. None of the consent orders entered during the Trump administration include such provisions, and in modifying an existing order, the FTC stated that a prior-approval requirement "[wa]s an extraordinary remedy because it reverse[d] the ordinary operation of the antitrust laws."[3]

Not every remedy attempt succeeded. In the FTC's challenge to GTCR's proposed acquisition of Surmodics—combining the two largest providers of outsourced hydrophilic coatings for medical devices—the FTC rejected the parties' proposed divestiture as inadequate and sued in the Northern District of Illinois.[4] The district court denied the preliminary injunction request, finding the parties' proposed remedy sufficient. The FTC declined to appeal. By contrast, the FTC prevailed in challenging the proposed Edwards Lifesciences/JenaValve transaction. After a six-day trial, a court in the U.S. District Court for the District of Columbia granted the FTC's preliminary injunction on January 9, 2026, halting a combination of two pre-commercial devices used to treat a potentially fatal heart condition.[5]

One shadow over the merger program has been allegations of political influence. In the HPE/Juniper matter, reports emerged that DOJ's career Antitrust Division staff initially opposed a consent decree, but that the Attorney General's office overruled the Division following meetings with political staff. The final consent decree was not signed by career Antitrust Division attorneys. In *Live Nation*, after in-person meetings, calls and communications with the Office of White House Counsel, the DOJ settled the litigation. State attorneys general who had joined the case initiated by the Biden DOJ continued to litigate to a jury verdict in favor of the States. The divergent paths of state attorneys general and the federal government will persist as states expand their individual and independent merger review infrastructure.

## II. Civil Litigation: Big Tech and the Advertising Ecosystem

The second Trump administration inherited a full docket of Section 2 litigation against major technology platforms and has pressed those cases vigorously, with a mixed record.

One significant loss was in *FTC v. Meta*. A court in the U.S. District Court for the District of Columbia rejected the FTC's theory that the acquisitions of Instagram and WhatsApp were unlawful under Section 2 of the Sherman Act, ruling that TikTok and YouTube had to be included in the relevant market (personal social networking) and that, with those two included, Meta lacked monopoly power.[6] The FTC filed a notice of appeal to the D.C. Circuit in January 2026, and the case is being briefed, with the FTC challenging the district court's interpretation of the statutory provision on its enforcement powers and its findings as to monopoly power.[7]

The FTC's case against Amazon alleging monopolization of online superstore and marketplace services markets is scheduled for trial in late 2026 and represents the FTC's most consequential pending Section 2 case at the district court level.[8] As for the DOJ, its smartphone monopolization case against Apple survived Apple's motion to dismiss and is proceeding through discovery.[9]

The new administration has also paired merger-clearance conditions with content-neutrality conduct remedies. In the Omnicom/IPG merger, the FTC conditioned clearance of the $13.5 billion combination of the world's third- and fourth-largest advertising holding companies on a consent decree barring the merged firm from steering advertiser spend away from media publishers based on "political or ideological viewpoint" except at the express direction of individual advertiser clients.[10] FTC Chairman Ferguson's statement characterized existing advertising agency coordination through the Global Alliance for Responsible Media as potential collusion creating de facto boycotts of conservative publishers. The administration has also stated that ESG- and DEI-related coordination among competitors may draw antitrust scrutiny.[11] Since these issues are yet to be raised in contested cases, open questions remain.

**III. Criminal Enforcement: Escalating Deterrence**

Criminal antitrust enforcement has become more aggressive under the second Trump administration, with particular emphasis on individual imprisonment and labor market violations.

The DOJ opened nearly 100 criminal antitrust investigations in FY 2025 and filed 24% more criminal cases than the prior year.[12] Acting Deputy AAG for Criminal Enforcement Daniel Glad, in his first public remarks following leadership changes at the Antitrust Division in early 2026, emphasized that the Division's criminal program will not allow companies to merely pay fines and that the preferred deterrent is imprisonment.

The headline criminal achievement has been in labor markets. In *United States v. Lopez*, a federal jury convicted the defendant on April 14, 2025 for leading a three-year conspiracy to fix wages paid to home healthcare nurses in Las Vegas—the DOJ's first-ever jury conviction in a criminal wage-fixing case.[13] After earlier losses at trial in wage-fixing and no-poach prosecutions, the *Lopez* verdict provides the administration with a template: the government's theory rested on direct text message evidence of competing executives discussing agreed-upon wage rates, combined with wire fraud charges arising from Lopez's concealment of the investigation during the $10 million sale of his company. He was sentenced in November 2025 to 40 months' imprisonment.

The Procurement Collusion Strike Force (PCSF), created during Trump's first term, remains the backbone of the criminal program, now accounting for nearly half of all open criminal investigations. The PCSF has trained more than 46,000 law enforcement and procurement officials, launched 195 investigations, and secured 75 guilty pleas and convictions.

In July 2025, the DOJ launched in partnership with the U.S. Postal Inspection Service and the USPS Office of Inspector General the first-of-its-kind antitrust Whistleblower Rewards Program, offering qualifying whistleblowers up to 30% of criminal fines recovered from reported violations.[14] Companies should assume the program will accelerate disclosure of cartel conduct that could otherwise have gone unreported, particularly where an employee has personal knowledge of direct competitor communications.

**Conclusion**

The Trump administration's federal antitrust enforcement record through mid-2026 reflects a coherent set of priorities: reduced friction for merging parties willing to accept tailored structural remedies across a range of sectors, including healthcare and energy; continued Section 2 litigation against major technology platforms, with the Amazon and Apple cases now defining the leading edge; and an escalating criminal program with a demonstrated willingness to imprison individuals for labor market violations. Some key initiatives, such as the whistleblower program, have been implemented. The administration has also incorporated content neutrality in merger remedies. Other initiatives, such as scrutiny of coordination as to ESG and DEI, have not yet resulted in negotiated remedies or contested cases. And State Attorneys General have taken a new, prominent role in enforcement. The antitrust moment has not ended. It has simply changed hands.

[1] *In re Synopsys, Inc. and ANSYS, Inc.*, FTC Dkt. No. C-4820 (May 28, 2025) (proposed consent order accepted); Press Release, FTC, *available at* https://www.ftc.gov/news-events/news/press-releases/2025/05/ftc-require-synopsys-ansys-divest-assets-proceed-merger.

[2] *United States v. Constellation Energy Corp.*, 1:25-cv-04235 (D.D.C. December 5, 2025) (proposed settlement); Press Release, DOJ, *available at* https://www.justice.gov/opa/pr/justice-department-requires-divestitures-proceed-constellations-proposed-266-billion.

[3] Order Reopening and Modifying Decision and Order, *In the Matter of EnCap Investments L.P.*, FTC Dkt. No. C-4760, at

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# State AGs: The New Frontier of Antitrust Enforcement

**By Jeremy Keeney, Ashurst Perkins Coie**

The era of state attorneys general ("State AGs") appearing to play second fiddle to federal antitrust enforcers is over. A new enforcement frontier has arrived. State AGs are now shaping the development of antitrust law—with and without federal enforcer co-plaintiffs—in new and unexpected ways. From securing favorable jury verdicts and advocating for "break ups" to state coalitions filing enforcement actions that pave the way for federal enforcement actions, State AGs are making their presence known and getting results.

This article explores why State AGs were poised for an increased antitrust enforcement role (along with some challenges), examines recent examples of State AGs shaping antitrust law, and considers the future of State AG antitrust enforcement.

**State AG Enforcement Benefits**

Before exploring how State AGs are shaping antitrust law, it is important to understand the unique role of State AGs. Whether State AGs litigate their own cases or co-litigate with federal antitrust enforcers, they operate in different statutory regimes than their federal counterparts, sometimes enjoying what may be considered a more-favorable enforcement regime. Those differences mean State AGs were and will remain well positioned to advance antitrust enforcement with or without federal enforcer co-plaintiffs.

*First*, some states have enacted antitrust statutes that provide equivalent or more-favorable processes, standards, or remedies than their federal counterparts. For example, the California Cartwright Act imposes lower thresholds for alleging concerted action than the federal Sherman Act.[1] And the Clayton Act permits State AGs to recover damages on behalf of their citizens, utilizing their *parens patriae* authority, when federal enforcers can typically seek damages only for injuries suffered by the United States government.[2] In some states, State AGs can recover damages on behalf of indirect purchasers, which are barred from recovery under the Clayton Act.

*Second*, State AGs are arguably closer to anticompetitive harms occurring in their jurisdictions and are well-suited to identify and then examine local victims in court. For example, when California sued in-state healthcare providers for monopolizing local markets among other allegations, it filed its complaints in state court where it could focus on how the conduct had harmed its citizens, including those in Northern California.[3] When State AGs co-litigate with federal enforcers, their familiarity with the local district, its judges, and its procedures provides useful guidance to the federal enforcers. Historically, State AGs were not especially active during those litigations, constrained by limited resources. But with more states expanding their antitrust enforcement teams, State AGs will be better positioned to take on additional responsibilities, like deposing in-state witnesses and examining them at trial. For example, in 2024, the New Jersey AG created the Antitrust Litigation and Competition Enforcement Section, its first section dedicated to antitrust enforcement.[4]

*Third*, as litigants, State AGs can use their unique statutory authorities and state courts as testbeds, exploring novel antitrust theories not yet adopted by federal enforcers or the courts. For example, when the California AG investigated nonprofit healthcare provider mergers and affiliations, it considered a relatively untested cross-market effects theory.[5] Specifically, the California AG evaluated whether mergers between non-competing hospitals could still harm competition by increasing bargaining leverage with insurers. Additionally, even when novel theories are unsuccessful, state legislatures can pass laws providing State AGs with new enforcement tools to address perceived gaps in the antitrust laws.

*Fourth*, it is difficult for defendants to successfully transfer venue when the attorney general of the forum state is a co-plaintiff. Courts are less likely to transfer a federal enforcement action to another court if that state's attorney general is a co-plaintiff. For example, when Agri Stats sought to transfer venue from the District of Minnesota to the Northern District of Indiana, DOJ cited "claims in this enforcement action brought by the State of Minnesota" as one reason for the court to deny Agri Stats's motion.[6] The court denied the transfer.[7] In addition, after Congress passed the State Antitrust Enforcement Venue Act, antitrust cases filed by State AGs in federal court are no longer at risk of being transferred to another venue or consolidated with multi-district litigation.[8]

### State AG Enforcement Challenges

Although there are many advantages to having both state and federal antitrust enforcers, it also presents some inherent challenges. One challenge with the current system is dual track investigations where state and federal enforcers are investigating the same conduct in parallel, albeit under different statutory regimes. Waivers, where the investigation target agrees to waive confidentiality to allow the various agencies to share investigation information, reduce the investigation burden to some extent but they do not solve the challenge of negotiating settlement agreements between multiple enforcement agencies.

Negotiating settlement agreements can be especially difficult when state and federal enforcers do not agree on the proper remedy. This challenge was on full display during the *Live Nation* trial when DOJ unexpectedly settled its claims with Live Nation mid-trial, but State AGs continued litigating through to a favorable jury verdict. Historically, this concern was less prominent as State AGs were generally viewed as lacking the resources or antitrust expertise to independently litigate significant antitrust matters.

However, even when State AGs are co-plaintiffs in federal enforcement actions, settlement agreements typically afford the federal enforcer with more monitoring and compliance responsibilities than the State AGs. For example, DOJ settlements generally limit to DOJ the authority to nominate court-appointed monitors, approve monitor work plans, and approve antitrust compliance policies.[9] Although the recent *Agri Stats* settlement requires DOJ to receive the "the consent of all Plaintiffs" before moving to early terminate the final judgment.[10] With State AGs increasing their antitrust enforcement capabilities and capacity, this dynamic could shift.

### State AGs—Shaping Antitrust Law

State AGs are increasingly shaping substantive antitrust law. State AGs have sought stiffer penalties or initiated their own investigations when they viewed federal settlements as overly permissive. Cases brought by a coalition of State AGs have laid the groundwork for subsequent federal enforcement actions. And State AGs have filed unilateral enforcement actions using their unique statutory authority to get results for their citizens, from damages to injunctions. Several examples are highlighted below.

*United States v. Live Nation Entertainment, Inc.* In March 2026, mid-trial, DOJ unexpectedly announced that it had reached a settlement agreement with Live Nation, resolving DOJ's antitrust claims against the company. The settlement included a divestiture of 13 amphitheaters, behavioral remedies, and an approximately $18.6 million settlement fund for participating states, but it stopped short of requesting that the court unwind the 2010 merger between Live Nation and Ticketmaster.[11] The remaining bipartisan coalition of 30+ State AGs hired outside counsel and continued to litigate the case through to a jury verdict. The jury returned a unanimous verdict in favor of the State AGs—on all counts. Then, unlike DOJ, the State AGs asked the court to unwind the Live Nation and Ticketmaster merger, along with other structural and behavioral remedies and damages.[12] If the court ultimately unwinds the merger, the State AGs will have achieved something that DOJ has not since the late 1940s and early 1950s, a litigated "break up."

*California v. Nexstar Media Group, Inc*. In March 2026, a coalition of eight State AGs, with no federal enforcer co-plaintiff, sued to block the merger of Nexstar and Tegna, two of the largest owners of local television stations in the nation.[13] The next day, news outlets reported that DOJ had unconditionally cleared the $3.5 billion deal.[14] Nearly one month later, after granting a TRO, the court granted the State AGs' motion for a preliminary injunction, prohibiting the companies from further integrating while litigation proceeded (Nexstar closed the deal shortly after DOJ cleared it).[15] The case is still pending as *In re: Nexstar-Tenga Merger Litigation*, after consolidation with a private merger challenge, and has expanded to include a larger, bipartisan group of State AGs. If successful, this litigation will be a rare example of State AGs blocking a nationwide merger after it received unconditional approval from federal enforcers.

*United States v. RealPage, Inc*. In August 2024, DOJ and a coalition of eight State AGs sued RealPage, a provider of real estate revenue management tools, for allegedly sharing competitively sensitive information and aligning pricing between competing landlords, among other claims. Ultimately, DOJ settled its claims with RealPage in November 2025.[16] In part, the settlement required a court-appointed monitor, prohibited pooling lease data less than 12 months old to train pricing models and generate price recommendations, and mandated feature redesigns. Not a single State AG co-plaintiff signed the settlement. Instead, that case remains ongoing and three attorneys general (Arizona, Washington, and Washington DC) have sued RealPage in state court under their respective jurisdiction's antitrust and consumer protection statutes. They seek stricter injunctive remedies and monetary penalties for their citizens.

*Utah v. Google, LLC (Play Store)*. In July 2021, a bipartisan coalition of 36 State AGs, with no federal enforcer co-plaintiff, sued Google for allegedly illegally maintaining a monopoly in the market for distributing apps for the Android operating system, among other allegations.[17] The parties settled the case in December 2023, with Google agreeing to pay $630 million in restitution to consumers nationwide and

$70 million in penalties and costs, along with comprehensive behavioral remedies, including allowing users to pay through in-app billing systems other than Google Play Billing and terminating contracts that require the Play Store to be the exclusive, pre-loaded app store on a device.[18] These settlement terms were reached with no federal enforcer co-plaintiff or parallel federal enforcement action.

*Texas v. Google, LLC (AdTech)*. In December 2020, a coalition of ten State AGs, with no federal enforcer co-plaintiff, sued Google in the Eastern District of Texas for allegedly violating state and federal antitrust laws.[19] Specifically, the coalition alleged that Google had monopolized various online-display advertising markets, among other allegations. Although that case is currently stayed, it is notable because the State AG coalition laid the groundwork for a follow-on DOJ enforcement action. In January 2023, DOJ and a bipartisan coalition of eight State AGs sued Google on very similar grounds, for allegedly monopolizing various online-display advertising markets, among other allegations.[20] Just over two years later, in part courtesy of the Eastern District of Virginia "rocket docket," the court ruled in favor of DOJ and the co-plaintiff State AGs, finding that Google illegally maintained two monopolies. The remedies phase is ongoing.

**Looking Ahead**

Like a snowball rolling down a hill, State AGs are likely to continue their increased antitrust enforcement efforts and willingness to take on big cases. State AGs are continuing to hire antitrust counsel at an unprecedented rate, including scooping up experienced former federal trial attorneys. Their investigations, enforcement actions, and settlements will continue to be a key driver in shaping antitrust law. And this continued attention to state antitrust enforcement may lead to additional bespoke state antitrust legislation, like legislation addressing non-compete agreements and algorithmic pricing.

Moreover, increased State AG antitrust enforcement may impact federal enforcer settlements and the role that State AG co-plaintiffs play in decree monitoring and enforcement. Historically, settlement agreements have afforded the federal enforcer with more monitoring and compliance responsibilities than their State AG counterparts. For example, DOJ consent decrees generally limit to DOJ the right to nominate court-appointed monitors, approve monitor work plans, and approve antitrust compliance policies, although the recent *Agri Stats* settlement requires the consent of all plaintiffs to terminate the consent decree early. As State AGs continue to develop antitrust litigation capabilities, they may want to secure greater monitoring and compliance responsibilities as a backstop to ensure defendants are satisfactorily meeting their compliance obligations.

[1] *See* Cal. Bus. & Prof. Code § 16756.1 ("the complaint shall not be required to allege facts tending to exclude the possibility of independent action").

[2] *Compare* 15 U.S.C. § 15c ("Any attorney general of a State may bring a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State . . . to secure monetary relief"), *with* 15 U.S.C. § 15a ("Whenever the United States is hereafter injured in its business or property . . . it . . . shall recover threefold the damages by it sustained. . . .").

[3] *See, e.g.*, Compl., *State v. Sutter Health*, No. 18-cgc-565398 (Cal. Super. Ct. filed Mar. 29, 2018).

[4] Press Release, Office of the Attorney General, New Jersey, AG Platkin Creates New Antitrust Litigation and Competition Enforcement Section Within the Division of Law (May 21, 2024), https://www.njoag.gov/ag-platkin-creates-new-antitrust-litigation-and-competition-enforcement-section-within-the-division-of-law/.

[5] *See, e.g.*, Press Release, Office of Attorney General, California, Attorney General Becerra Conditionally Approves Affiliation Agreement Between Cedars-Sinai and Huntington Memorial Hospital (Dec. 10, 2020), https://oag.ca.gov/news/press-releases/attorney-general-becerra-conditionally-approves-affiliation-agreement-between.

[6] Pls.' Opp'n to Def.'s Mot. to Transfer at 1, *United States v. Agri Stats, Inc.*, No. 23-cv-3009 (D. Minn. filed Nov. 29, 2023), ECF No. 66.

[7] Order, *United States v. Agri Stats, Inc.*, No. 23-cv-3009 (D. Minn. filed May 28, 2024), ECF No. 118.

[8] *See* 28 U.S.C. § 1407(g).

[9] *See, e.g.*, Corrected Proposed Final J., *United States v. Agri Stats, Inc.*, No. 23-cv-3009 (D. Minn. filed May. 15, 2023), ECF No. 748-4.

[10] *Compare id.* § XIII ("after 7 years from the date of its entry, this Final Judgment may be terminated upon motion by the United States, with the consent of all Plaintiffs, to the Court and notice by the United States to Defendant . . . ."), *with* Proposed Final J. § XIII, *United States v. OhioHealth Corp.*, No. 26-cv-0207 (S.D. Ohio. filed June 16, 2026), ECF No. 29-2 ("after five (5) years from the date of its entry, this Final Judgment may be terminated upon notice by the United States to the Court, Defendant, and the State of Ohio . . . .").

[11] Proposed Final J., *United States v. Live Nation Ent., Inc.*, No. 24-cv-3973 (S.D.N.Y. filed June 12, 2026), ECF No. 1523-2.

[12] Pl. States' Initial Remedies Proposal, *United States v. Live Nation Ent., Inc.*, No. 24-cv-3973 (S.D.N.Y. filed May 21, 2026), ECF No. 1497-1.

[13] Compl., *California v. Nexstar Media Grp., Inc.*, No. 26-cv-

0978 (E.D. Cal. filed Mar. 18, 2026), ECF No. 1-2.
[14] *Nexstar's $3.5 billion Tegna deal cleared by US DOJ, Bloomberg News reports*, Reuters, Mar. 19, 2026, https://www.reuters.com/business/media-telecom/nexstars-35-billion-tegna-deal-cleared-by-us-doj-bloomberg-news-reports-2026-03-19/.
[15] Order, *In re: Nexstar-Tegna Merger Litig.*, No. 26-cv-0976 (E.D. Cal. filed Apr. 17, 2026), ECF No. 172.
[16] Proposed Final J., *United States v. RealPage, Inc.*, No. 24-cv-0710 (M.D.N.C. filed Nov. 24, 2025), ECF No. 159-1.
[17] Compl., *Utah v. Google LLC*, No. 21-cv-5227 (N.D. Cal. filed July 7, 2021), ECF No. 1.
[18] Settlement Agreement and Release, *In re Google Play Store Antitrust Litig.*, No. 21-cv-5227 (N.D. Cal. filed Dec. 18, 2023), ECF No. 522-2.
[19] Compl., *Texas v. Google LLC*, No. 20-cv-0957 (E.D. Tex. filed Dec. 16, 2020), ECF No. 1.
[20] Compl., *United States v. Google LLC*, No. 23-cv-0108 (E.D. Va. filed Jan. 24, 2023), ECF No. 1.

# Spotlight on Law Student Engagement

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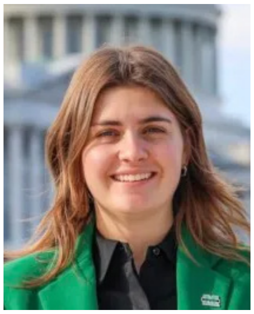

# Remedies – Antitrust Apprentice

**Makena Rauch, J.D. Candidate, University of Utah, S.J. Quinney College of Law**

Antitrust remedies determine how competition is restored and how unlawful conduct is deterred. Antitrust enforcement in the United States operates through a three-pronged system consisting of enforcement by federal agencies, state attorneys general, and private litigants. Although these enforcers frequently pursue similar objectives, each derives its authority from different statutory provisions and possesses distinct remedial powers. Both the Department of Justice and the Federal Trade Commission enforce the Clayton Act, while the DOJ alone may bring criminal prosecutions under the Sherman Act. The FTC may also challenge conduct that violates the policies of the antitrust laws through its authority to prevent "unfair methods of competition" under the FTC Act.

The DOJ's Antitrust Division possesses both civil and criminal enforcement authority. Section 4 of the Sherman Act, 15 U.S.C. § 4, and Section 15 of the Clayton Act, 15 U.S.C. § 25, authorize the United States to institute proceedings to "prevent and restrain" violations of the antitrust laws. Courts have interpreted this language broadly to permit equitable remedies extending beyond simple injunctions, including structural remedies such as divestitures, which require a company to sell assets or business units to restore competition, and conduct remedies designed to eliminate the effects of unlawful conduct. The DOJ may also bring claims seeking damages under the antitrust laws when it is "injured in its business or property." 15 U.S.C. § 15a. The DOJ is also the only federal agency authorized to pursue criminal antitrust prosecutions. In certain cartel cases under Section 1 of the Sherman Act, 15 U.S.C. § 1, involving price-fixing, bid-rigging, and market allocation, corporations may face substantial criminal fines, and individuals may be sentenced to imprisonment, reflecting Congress's determination that meaningful deterrence sometimes requires more than merely ordering unlawful conduct to cease.

The FTC possesses broad authority to pursue equitable and prospective relief under both the FTC Act and the Clayton Act. Section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. § 45(a)(1), declares unlawful "[u]nfair methods of competition" and permits the Commission to challenge conduct that violates or threatens to violate the policies underlying the federal antitrust laws. The FTC also enforces Section 7 of the Clayton Act, 15 U.S.C. § 18, which prohibits mergers and acquisitions whose effect "may be substantially to lessen competition, or to tend to create a monopoly." The Commission's remedies are principally forward-looking and frequently take the form of consent orders and negotiated settlements imposing structural or behavioral remedies intended to preserve competitive market conditions and prevent future harm.

State attorneys general play an increasingly significant role in antitrust enforcement by acting both independently and in coordination with federal agencies. Section 16 of the Clayton Act, 15 U.S.C. § 26, permits states to seek injunctive relief to prevent threatened antitrust injury. Additionally, Section 4C of the Clayton Act, 15 U.S.C. § 15c, authorizes state attorneys general to bring *parens patriae* actions on behalf of their residents and to recover damages resulting from antitrust violations. States may therefore obtain injunctive relief, treble damages (three times the amount of actual damages suffered by consumers), and reasonable attorneys' fees and costs of suit. States also maintain their own antitrust and consumer protection statutes, which often provide independent authority to enjoin and remedy anticompetitive practices, enjoin mergers, or recover damages for themselves or their constituents. With overlapping and independent authority, state enforcement serves as an important complement to federal efforts and provides an additional mechanism for addressing harms to local markets and consumers.

Lastly, private litigation through Section 4 of the Clayton Act, 15 U.S.C. § 15(a), authorizes any person injured in his or her business or property by an antitrust violation to recover treble damages, together with the costs of suit and reasonable attorneys' fees. Section 16 of the Clayton Act, 15 U.S.C. § 26, further authorizes private parties threatened with loss or damage to seek injunctive relief. Accordingly, businesses, consumers, and other market participants may seek both equitable relief and damages, allowing private litigation to compensate victims and serve an important deterrent function by encouraging market participants to identify and challenge conduct that harms competition.

# Welcome to the Section!

We wanted to specifically welcome some of our new Section members and invite them to contribute their talents to the Section. If a new member practices in your area, we encourage you to reach out and connect.

**February 2026**

Damaris Rivera Perez
Bayamón, Puerto Rico

Terri Lao

Douglas Sorocco
Oklahoma City, OK

Bandna Dhaliwal
Detroit, MI

Lauren Devens
Burlingame, CA

**March 2026**

Tami Govrin

Leslie Leuterio
San Francisco, CA

Trevor Mitchell
Dayton, OH

**April 2026**

Christian Dysart
Raleigh, NC

David Zeitlin
Nashville, TN

Gianna DelMonico

Tomas Dubrovsky
Aventura, FL

Kelsey Bacinett
New York, NY

Courtney Bridges
Alexandria, VA

Jacqueline Maritn
New York, NY

Anderson Tao
Williamsburg, VA

**May 2026**

Jenny Johnson-Carreiro
Houston, TX

Felix Timothy Celestino
Chicago, IL

Samuel Rahman

Matthew Donaghy
Philadelphia, PA

Abigail Kuchnir
Chicago, IL

Ahmed Abdeltawab
Minneapolis, MN

Giannina Baldwin

Alice Qin

Alycia Watson
St. Petersburg, FL

Diane Rice

**June 2026**

Amanda M Williams
Minneapolis, MN

Parker Chadwell
Athens, GA

Morsell Arghandiwal
Concord, CA

Stephanie Schaefer

**July 2026**

Ruth Glaeser
Minneapolis, MN

Susmita Saha

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8 (July 7, 2025), https://www.ftc.gov/system/files/ftc_gov/pdf/c4760encappetitiontoreopenorder.pdf.

[4] *In the Matter of GTCR BC Holdings, LLC and Surmodics, Inc.*, FTC Dkt. No. 9440; *see also* No. 1:25-cv-02391 (N.D. Ill.).

[5] *FTC v. Edwards Lifesciences Corp. & JenaValve Technology, Inc.*, No. 1:25-cv-02569 (D.D.C. Jan. 9, 2026) (preliminary injunction granted); Press Release, FTC, *available at* https://www.ftc.gov/news-events/news/press-releases/2026/01/statement-ftc-victory-halting-anticompetitive-medical-device-deal.

[6] *FTC v. Meta Platforms, Inc.*, No. 1:20-cv-03590 (D.D.C.); Press Release, FTC, *available at* https://www.ftc.gov/news-events/news/press-releases/2026/01/ftc-appeals-ruling-meta-monopolization-case.

[7] *FTC v. Meta Platforms, Inc.*, No. 26-5028 (D.C. Cir.); FTC opening brief filed May 22, 2026.

[8] *FTC v. Amazon.com, Inc.*, No. 2:23-cv-01495 (W.D. Wash.); motion to dismiss denied Apr. 2025; trial scheduled late 2026.

[9] *United States v. Apple Inc.*, No. 2:24-cv-04055, Dkt. No. 283 (D.N.J. June 30, 2025) (denying motion to dismiss).

[10] *In re Omnicom Group Inc. / The Interpublic Group of Companies, Inc.*, FTC Dkt. No. C-4823 (September 26, 2025) (final order approved); Press Release, FTC, *available at* https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-alters-final-consent-order-response-public-comments-preventing-coordination-global-advertising.

[11] *Texas v. BlackRock, Inc.*, No. 6:24-cv-00437-JDK, ECF 99 (E.D. Tex. May 22, 2025) (DOJ & FTC Statement of Interest); Press Release, FTC, Federal Trade Commission Chairman Andrew N. Ferguson Issues Warning Letters to Law Firms on Anticompetitive DEI Hiring (Jan. 30, 2026), https://www.ftc.gov/news-events/news/press-releases/2026/01/federal-trade-commission-chairman-andrew-n-ferguson-issues-warning-letters-law-firms-anticompetitive.

[12] DOJ Antitrust Division FY 2027 Performance Budget Congressional Submission (noting FY 2025 criminal enforcement statistics), *available at* https://justice.gov/jmd/media/1434166/dl.

[13] *United States v. Lopez*, No. 2:23-cr-00055 (D. Nev.).

[14] DOJ Antitrust Division, Whistleblower Rewards Program (launched July 2025), *available at* https://www.justice.gov/atr/whistleblower-rewards.