



FOR IMMEDIATE RELEASE

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Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

In WLF Success, Parties Voluntarily Dismiss Appeal After Class Decertification

(In re Google Play Store Antitrust Litigation)

“The District Court properly recognized its error and decertified the class of uninjured plaintiffs.”

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—On September 18, 2023, the parties in a contested class action voluntarily dismissed a Ninth Circuit appeal after the U.S. District Court for the Northern District of California decertified the class of uninjured consumer plaintiffs. This result was welcome news for Washington Legal Foundation, which filed an amicus curiae brief urging the U.S. Court of Appeals for the Ninth Circuit to reverse the original class-certification order.

A group of consumers sued Google alleging that it illegally drove them to Google Play. Because Google charges a service fee for Google Play transactions, the consumers claimed they overpaid for apps. The District Court certified a class and the Ninth Circuit agreed to review that decision. But during the pendency of the appeal, the Ninth Circuit remanded the case under Rule 12.1.

On remand, the District Court decertified the class. Tracking many of the arguments in WLF’s Ninth Circuit brief, the District Court held that an expert witness’s testimony was inadmissible. Without this inadmissible testimony, the consumers were unable to prove that they suffered an Article III injury on a class-wide basis.

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