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Ninth Circuit Agrees to Review District Court's Attempt to Extend California Antitrust Law Nationwide *(In re Juul Labs, Inc. Antitrust Litigation)*

“Anointing California as the nation’s antitrust enforcer undermines federalism and offends due process.”

— Cory L. Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Earlier today the U.S. Court of Appeals for the Ninth Circuit granted Altria Group Inc. leave to appeal a district court’s class-certification order under Federal Rule of Civil Procedure 23(f). The ruling was a victory for Washington Legal Foundation (WLF), which submitted an amicus brief contending that the order violates federalism and due process by improperly applying California’s Cartwright Act to out-of-state transactions and harms.

The case stems from Altria’s 2018 investment in Juul Labs after independently shuttering its uncompetitive e-cigarette division amid losses and FDA scrutiny. Private plaintiffs allege that the investment and a related non-compete unfairly reduced competition. The district court certified a nationwide direct-purchaser class under federal antitrust law and two multistate indirect-purchaser classes under the Cartwright Act across 27 jurisdictions.

In its amicus brief, WLF argued that the certification order flouts California’s presumption against extraterritoriality and choice-of-law rules by imposing California’s policies on other states. It also threatens due process by applying California law to claims with insufficient ties to the state. The state-by-state variations in antitrust laws pose insuperable obstacles rendering class litigation both unmanageable and unconstitutional.

Celebrating its 49th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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