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

WLF Asks Ninth Circuit to Reject 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 Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Court of Appeals for the Ninth Circuit to reverse a district court’s class-certification order. WLF contends that the order violates principles of 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 argues that the certification order flouts California’s presumption against extraterritoriality and choice-of-law rules by imposing California’s policies on transactions from 26 other jurisdictions. It also threatens due process by applying California law to claims with insufficient ties to the State. These 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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