

Unclassified

English - Or. English

3 December 2024

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Cancels & replaces the same document of 28 November 2024

The Interaction between Competition and Democracy – Note by the United States

6 December

This document reproduces a written contribution from the United States submitted for Item 8 of the 144th OECD Competition Committee meeting on 5-6 December 2024.

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JT03556875

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1. Introduction

1. There is an increasing awareness among regulators, politicians, and academics that protecting competition supports a critical element of democracy—the broad opportunity for individuals and businesses to participate in and benefit from the economy.² “Economic liberty is a guarantor and backstop” for social and political liberty, and “history teaches that when we do not protect economic opportunity—when we allow monopolies to be unchecked—other rights suffer or disappear entirely.”³ A growing body of scholarship illustrates this close relationship between competition and democracy.⁴ The United States Department of Justice, Antitrust Division (“Antitrust Division”) is highly attuned to these concerns and is vigorously protecting choice and opportunities through enforcement actions and engaging the public to a greater extent than ever before.

2. This paper begins by briefly discussing the core components of democracy and its connection to competition, including how the U.S. antitrust laws are rooted in a recognition of the relationship between competition and democratic principles. It then discusses how the Antitrust Division’s approach to antitrust enforcement and competition policy strengthens core components of democracy, including: (1) promoting competition in the marketplace of ideas, (2) supporting democratic and economic freedom by reducing anticompetitive barriers to entry and preventing the exclusionary abuse of monopoly power, and (3) encouraging broader public participation in antitrust enforcement and policy.

2. Democracy and Competition Are Closely Connected

3. The legislative history of the U.S. antitrust laws shows that in the United States, political democracy and economic competition are inextricably intertwined; one cannot thrive where the other withers.

4. Democracy is premised on the primacy of individual freedom and the value of public participation in government and the economy.⁵ In a democracy, citizens enjoy the ability to participate directly in decisions and policies that affect their lives. By maximizing the freedoms of individual liberty, choice, and opportunity, democratic and pro-competition values promote general welfare by endowing all citizens with stake in the success of society and the power to shape that success.

¹ This submission was prepared by the Antitrust Division of the United States Department of Justice

² See, e.g., Spencer Weber Waller, *Antitrust and Democracy*, 46 Fla. St. U. L. Rev. 807, 808 (2022); Daniel A. Crane, *Antitrust As An Instrument of Democracy*, 72 Duke L. J. Online 21, 24-26 (2022).

³ Doha Meki, Principal Deputy Assistant Att’y Gen, U.S. Dep’t of Justice, Address at the Annual Dinner of the Comm. to Support the Antitrust Laws (October 29, 2024).

⁴ See, e.g., Waller, *supra* note 1 at 808; Crane, *supra* note 1 at 24-26.

⁵ See Alexis de Tocqueville, *DEMOCRACY IN AMERICA* (Volume II) (Democracy “extends the sphere of individual freedom.”).

5. The promise of individual liberty at the heart of modern democracies includes the promise of economic freedom and opportunity on which competitive markets are premised. As Supreme Court Justice Louis Brandeis stated, economic liberty provides individuals with the freedom of opportunity to work “for [their] own and the common good[,]” in pursuit of their individual versions of happiness, rather than struggling “merely to exist.”⁶

6. The U.S. Supreme Court has recognized that protecting competition is “as important to the preservation of economic freedom . . . as the Bill of Rights is to the protection of our fundamental personal freedoms.”⁷ A healthy democracy depends on competitive markets because competition fortifies both “civil liberties and economic liberties.”⁸ By contrast, market power can “threaten[] the individual liberty of our citizens, undermining the democracies they hold dear, and stifling their economic well-being”⁹ because “[w]hen people lose their economic freedom, they lose their political freedom.”¹⁰

7. Economic competition both channels and supports these principles of democracy. Competition helps to provide people with the freedom to control their economic destiny. It also enables firms to win business based on the merits of what they produce and sell, unencumbered by entrenched or favored suppliers who can exclude their rivals from the market. Competition among many sellers ensures that opportunity is dispersed between firms in a market, between producers and consumers, and between employers and workers. Finally, economic opportunity without unnecessary or unfair restrictions promotes people’s ability to participate meaningfully in the economic system and share its benefits.

8. The original conception of monopoly—the king’s grant of a privileged selling status to a favored trader—directly and unduly impinged on individual liberty by depriving all other traders of the freedom to compete. Highlighting this conflict between monopoly and individual economic freedom, the U.S. Supreme Court in *Standard Oil* homed in on English Chief Justice Lord Edward Coke’s definition of monopoly as the king’s seal of approval for one trader to “restrain[] . . . any freedom or liberty” that others previously enjoyed to buy, sell, make, work, or put resources to productive purposes,¹¹ and English legal scholar William Hawkins’ description of monopoly as the king’s license for a privileged person or group to restrain others “from the freedom of manufacturing or trading

⁶ National Constitution Center, [Historic Document - Louis D. Brandeis, True Americanism: Fourth of July Oration](#) (1915).

⁷ *N.C. State Bd. Of Dental Examiners v. FTC*, 574 U.S. 494, 502 (2015) (quoting *United States v. Topco Associates, Inc.*, 405 U.S. 596, 610 (1972)); See also Nat’l Archives, [The Bill of Rights: What Does it Say](#), (“The Bill of Rights is the first 10 Amendments to the Constitution. It spells out Americans’ rights in relation to their government. It guarantees civil rights and liberties to the individual—like freedom of speech, press, and religion.”).

⁸ Eleanor M. Fox, *The Symbiosis of Democracy and Markets*, OECD Global Forum on Competition 2 (Dec. 2017).

⁹ Jonathan Kanter, Assistant Att’y Gen., U.S. Dep’t of Justice, Remarks at the Fordham Competition L. Inst.’s Int’l Antitrust L. and Pol’y Conf (Sept. 22, 2023).

¹⁰ Celler-Kefauver Amendment: Hearings on H. R. 988 before Subcommittee No. 3 of the House Committee on the Judiciary, 81st Congress, May 18, 1948, p 12.

¹¹ *Standard Oil Co. of New Jersey v. United States*, 221 U.S. 1, 51 (1911) (quoting 3 Inst. 181, c. 85).

which he had before.”¹² Modern U.S. antitrust law addresses the misuse of market power to deprive people of the economic freedom that monopoly power and exclusionary barriers to entry threaten.¹³ Drawing a contrast between the political and economic restraints on freedom under a king, and the individual economic freedom to fairly compete on a level playing field that is central to a democracy-organized society with competitive markets, Justice Thurgood Marshall extolled antitrust laws as “the Magna Carta of free enterprise.”¹⁴

9. U.S. antitrust scholars have traced a strong nexus between “free markets,” the “opportunity to compete,” and “democratic values and institutions.” For example, the Boston Tea Party, an important catalyst in the American colonies’ road to independence from Great Britain, was organized in response to the Tea Act of 1773, which had granted the British East India Company a monopoly on sales of tea and other goods in the American colonies.¹⁵ This nexus was also reflected in early state constitutions.¹⁶

3. U.S. Antitrust Laws Were Enacted in Part to Address the Threats that Monopoly Power Poses to Democracy

10. The legislative history of the U.S. antitrust laws shows they were designed to protect the process of competition, and in so doing, promote democratic ideals. Arguing in support of the United States’ first federal antitrust legislation, Senator John Sherman conveyed the connection between preventing political tyranny and economic dominance: “If we will not endure a king as a political power, we should not endure a king over the production, transportation, and sale of the necessities of life.” An “emperor” and “an autocrat of trade” are equally threatening to democracy, freedom, and individual liberty.¹⁷

11. Building on this legislative history, courts have similarly recognized that antitrust laws were passed to provide a bulwark for democracy. The U.S. Supreme Court has characterized antitrust legislation as a “comprehensive charter of economic liberty” that “provides an environment conducive to the preservation of our democratic political and social institutions.”¹⁸ Judge Learned Hand, channeling the concept that democracy and pro-competition values promote individual liberty, freedom of opportunity, and general

¹² *Id.* at 51-52.

¹³ See *United States v. Google, LLC*, 2024 WL 3647498 (D.D.C. Aug. 5, 2024); *United States v. Microsoft Corp.*, 253 F.3d 34 (D.C. Cir. 2001).

¹⁴ *United States v. Topco Assocs., Inc.*, 405 U.S. 596, 610 (1972).

¹⁵ See Steven Calabresi and Larissa Price, *Monopolies and the Constitution: A History of Crony Capitalism*, 36 Harv. J.L. & Pub. Pol’y 983, 1007-08 (quoting Letter from Thomas Jefferson to James Madison (Dec. 20, 1787), reprinted in 12 THE PAPERS OF THOMAS JEFFERSON 438, 440 (Julian P. Boyd ed., Princeton Univ. Press, 1966)).

¹⁶ The state constitutions of North Carolina and Tennessee contain language declaring that “monopolies are contrary to the genius of a free state” and must not be tolerated. TENN.CONST. art. I, § 22; N.C. CONST. art I, § 34.

¹⁷ See 21 CONG. REC. 2457 (1889); see also Robert Pitofsky, *The Political Context of Antitrust*, 107.4 U. Penn. L. Rev. 1051, 1054 (1979) (discussing Congress’ “concern that an economic order dominated by a few corporate giants could . . . facilitate the overthrow of democratic institutions and the installation of a totalitarian regime”).

¹⁸ *Northern Pacific R. Co. v. United States*, 356 U.S. 1, 4-5 (1958).

welfare, highlighted that Congress designed the Sherman Antitrust Act¹⁹ “to put an end to great aggregations of capital because of the helplessness of individuals before them.”²⁰ The framers of the Sherman Act expressed a preference for producers with the economic liberty to conduct their businesses, whose success depends on their “own skill and character” rather than an economic system “in which the great mass . . . must accept the direction of a few.”²¹

12. The Clayton Antitrust Act²² further protects democracy by preventing the concentration of economic power through anticompetitive mergers and acquisitions. This legislation empowers antitrust enforcers to prevent anticompetitive mergers and acquisitions in their incipiency rather than reacting to accumulations of market power after the fact. It sets out to stem the tide of market concentration “early, before it developed irresistible political momentum, to preserve fundamental democratic values.”²³ When Congress strengthened the Clayton Act by closing a loophole for asset acquisitions, Senator Estes Kefauver underscored that “monopolistic mergers” deprive people of the freedom to “direct their economic welfare.” A lack of competition deprives citizens of “the means to direct their political future,” which is a “hallmark of any democratic society.”²⁴

4. A Vibrant Marketplace of Ideas Supports a Strong Democracy

13. Markets that involve the exchange of information between members of a society are “particularly important to healthy democratic functioning because they facilitate the communication of news or the interchange of ideas.”²⁵ Consistent with this principle, the Antitrust Division is focused on protecting competition in the marketplace of ideas by preventing large companies from dominating this space.²⁶ Several recent enforcement actions help ensure that content publishers, creators, writers, and citizens can enjoy the benefits of a vibrant marketplace of ideas.

14. The Antitrust Division, along with several state attorneys general, prevailed in a monopolization case challenging Google’s anticompetitive practices in the market for

¹⁹ Sherman Antitrust Act, 15 U.S.C. §§ 1–7.

²⁰ *United States v. Aluminum Co. of America*, 148 F.2d 416, 428 (2d Cir. 1945) (Hand, J.).

²¹ *Id.*

²² Clayton Antitrust Act, 15 U.S.C. §§ 12–27.

²³ Pitofsky, *supra* note 22 at 1070–71.

²⁴ Wu, *supra* note 21 at 30.

²⁵ Crane, *supra* note 1 at 28. Economists also point out that antitrust enforcement plays a significant “role in safeguarding the marketplace of ideas by supporting rivalry and choice, and targeting abusive exclusions and manipulations.” *See, e.g.,* Ariel Ezrahi & Viktoria Robertson, [Can Competition Law Save Democracy? Reflections on democracy’s tech-driven decline and how to stop it](#), Journal of Antitrust Enforcement (2024) at 6.

²⁶ Transparency in the marketplace of ideas is similarly important. At a recent conference, Assistant Attorney General Jonathan Kanter called on international forums like the OECD and International Competition Network (ICN) to “better understand and define effective rules, disclosures and prohibitions against conflicts of interest.” *See* Jonathan Kanter, Assistant Att’y Gen., U.S. Dep’t of Justice, Remarks for the Fordham Competition L. Inst.’s 51st Annual Conf. on Int’l Antitrust L. and Pol’y (Sept. 12, 2024).

general search services, which paves the road to a richer and more vibrant and diverse marketplace of ideas.²⁷ General searches are perhaps the public’s most important tool for accessing information and creative content on the web. The court found that Google’s exclusive distribution agreements violate Section 2 of the Sherman Act because they foreclose a substantial share of the market, deprive rivals of scale, reduce the incentive to innovate, and do not result in cognizable procompetitive benefits.²⁸

15. In addition, the Antitrust Division, in partnership with several state attorneys general, filed a lawsuit against Google to protect competition in advertising technology markets. In January 2023, federal and state enforcers sued Google for monopolizing multiple digital advertising technology products, in part based on a pattern of acquisitions aimed at neutralizing or eliminating ad tech competitors.²⁹ As alleged in the Complaint, these acquisitions “helped Google achieve dominant positions at each level of the open web ad tech stack and set the stage for Google to control and manipulate the process by which publishers sell and advertisers buy open web display inventory.”³⁰ The lawsuit takes aim largely at Google’s anticompetitive tactics that harm “the exchange of information and ideas in the public sphere” including through “artistic expression.”³¹ As a result of Google’s conduct, the Complaint alleges that “fewer publishers are able to offer internet users content for free (without subscriptions, paywalls, or alternative forms of monetization).”³²

16. The Antitrust Division’s successful challenge to the merger of two large book publishers further illustrates the Antitrust Division’s focus on promoting democracy by protecting competition in the marketplace of ideas.³³ There, the court held that the proposed merger between Penguin Random House and Simon & Schuster would substantially lessen competition in the market for the U.S. publishing rights to anticipated top-selling books.³⁴ This merger would have “diminished the breadth, depth, and diversity of our stories and ideas, and ultimately impoverished our democracy.”³⁵ The permanent injunction blocking this merger represented “a victory for authors, readers, and the free exchange of ideas.”³⁶

²⁷ See *United States v. Google, LLC*, No. 20-cv-3010 (APM), 2024 WL 3647498 (D.D.C. Aug. 5, 2024);

²⁸ *Id.* at ¶¶ 216, 226, 236, 248.

²⁹ U.S. Dep’t of Justice, Office of Public Affairs, [Justice Department Sues Google for Monopolizing Digital Advertising Technologies](#) (Jan. 24, 2023).

³⁰ *United States v. Google*, 1:23-cv-00108, (E.D. Va.) (Dkt. No. 1) (“Google Ad Tech Complaint”) ¶ 88.

³¹ See U.S. Dep’t of Justice, Office of Public Affairs, [Justice Department Sues Google for Monopolizing Digital Advertising Technologies](#).

³² Google Ad Tech Complaint ¶ 267.

³³ *United States v. Bertelsmann SE & Co. KGaA*, 646 F.Supp.3d 1 (D.D.C. 2022) .

³⁴ U.S. Dep’t of Justice, Office of Public Affairs, [Justice Department Obtains Permanent Injunction Blocking Penguin Random House’s Proposed Acquisition of Simon & Schuster](#) (Oct. 31, 2022).

³⁵ *Id.*

³⁶ *Id.*

5. Preventing the exclusionary abuse of monopoly power supports economic freedom

17. During the floor debate over the Sherman Antitrust Act, Senator John Sherman described “the right of every [person] to work, labor, and produce” as the “industrial liberty” that lays “the foundation of the equality of all rights and privileges.”³⁷ A healthy democracy “requires fair distribution in both material well-being and equality in decision-making.”³⁸ Reducing anticompetitive barriers to entry and preventing the abuse of monopoly power enables economic opportunity, supports individual liberty, and strengthens the democratic structure of our society because through participation as producers, the citizenry exercises its democratic freedom to shape our society.

18. The 2023 Merger Guidelines reflect this perspective. The opening paragraph explains that competitive markets support democracy because they serve as a “central safeguard” for “the preservation of economic freedom and our free-enterprise system.”³⁹ Specifically, the “unrestrained interaction of competitive forces” creates an “environment conducive to the preservation of our democratic political and social institutions.”⁴⁰ In his remarks announcing the publication of the 2023 Merger Guidelines, Assistant Attorney General Jonathan Kanter stated that the Antitrust Division is “fighting on the front lines to preserve competitive markets, which are essential to a vibrant and healthy democracy.”⁴¹

19. In the same vein, competitive labor markets are critical to democracy because when workers become “effectively impoverished from low pay, democratic society ceases to become democratic.”⁴² Workers that “become subject to excessive market power” benefit from antitrust enforcement to “reduce domination, increase freedom, and bolster democratic values.”⁴³ Against this backdrop, the Antitrust Division has prioritized promoting competition in labor markets. A principal example of these efforts is the inclusion of Guideline 10 in the 2023 Merger Guidelines.⁴⁴ Under this guideline, the Antitrust Division considers whether a merger may substantially lessen competition between firms in their role as buyers, such as buyers of workers’ labor. In particular, the Antitrust Division evaluates whether a merger may lessen competition for workers in the form of lower wages, slower wage growth, worsened benefits or working conditions, or other degradations of workplace quality. The Antitrust Division’s lawsuit to block UnitedHealth Group’s acquisition of home health and hospice provider Amedisys reflects

³⁷ See George E. Garvey, *Study of Antitrust Treble Damages Remedy: Report to the Comm. on the Judiciary*, H.R., 98th Cong., 2d Sess. 7, 8 (1984).

³⁸ HARV. L. Ctr. for Labor & A Just Econ., [Labor and Democracy](#).

³⁹ 2023 Merger Guidelines at 1 (quoting *N.C. State Bd. of Dental Examiners v. FTC*, 574 U.S. 494, 502 (2015); *NCAA v. Board of Regents*, 468 U.S. 85, 104, n.27 (1984); *Northern Pac. R. Co. v. United States*, 356 U.S. 1, 4-5 (1958)).

⁴⁰ *Id.*

⁴¹ U.S. Dep’t of Justice, Office of Public Affairs, [Assistant Attorney General Jonathan Kanter Delivers Remarks on Modernizing Merger Guidelines](#) (Jan. 18, 2022).

⁴² United Steelworkers, [Decent Wages Essential to True Democracy](#) (Oct. 9, 2014).

⁴³ Crane, *supra* note 1 at 38.

⁴⁴ Merger Guidelines, U.S. Department of Justice and the Federal Trade Commission (Dec. 18, 2023) (“[2023 Merger Guidelines](#)”) at 26.

this principle, alleging that the transaction “threatens to substantially lessen competition in local home health, hospice, and nurse labor markets.”⁴⁵

20. The Antitrust Division is also criminally prosecuting companies that harm competition for nurses’ wages and limit their job mobility,⁴⁶ and is securing civil consent decrees to prohibit companies from imposing unfair and anticompetitive termination penalties that restrict farmers’ ability to benefit from a competitive market.⁴⁷

6. Broad public participation in antitrust enforcement and competition policy strengthens democracy

21. The Antitrust Division is committed to involving the public in antitrust enforcement and policy decisions. Public engagement results in more successful litigation, better policy, and a stronger democracy. By including the voices of those who are uniquely positioned to detect competitive concerns—small business owners, managers, employees, professionals, and consumers that interact in the marketplace each day—antitrust enforcement can more effectively illuminate and address anticompetitive activity that limits the economic freedom that democracy promises. The Antitrust Division has prioritized public engagement in the following ways.

22. Division leadership has repeatedly emphasized the importance of consulting a “diverse group[s] of stakeholders” to include “consumers, workers, innovators, and others on the ground”⁴⁸ when crafting competition policy and enforcing antitrust laws. This was reflected in the Division’s consideration of the 30,000 public comments submitted in response to the Draft Merger Guidelines.⁴⁹ The Antitrust Division is relying on access to justice principles—expanding access, accelerating innovation, and safeguarding the integrity of the Department—as it modernizes how the Division includes a broadened cross-section of market participants in antitrust analysis and enforcement.⁵⁰ Beyond

⁴⁵ *United States of America v. UnitedHealth Group Inc.*, No. 1:24-cv-03267-JKB, (D. Md. Nov. 11, 2024) (Dkt. No. 1) at 18, 50.

⁴⁶ In October 2022, the Antitrust Division secured a guilty plea from a health care staffing company for conspiring with a competitor to suppress and eliminate competition by agreeing to allocate nurses and fix the wages of those nurses. Competitive labor markets, remarked AAG Jonathan Kanter, “are a cornerstone of the American dream.” See *United States v. VDA OC, LLC*, No. 2:21-cr-00098 (D. Nev. Oct. 27, 2022).

⁴⁷ In November 2023, the Antitrust Division filed a complaint alleging that Koch anticompetitively and unfairly required chicken farmers to pay a termination penalty to switch from working for Koch to a rival chicken processor. The consent decree requires Koch to reimburse growers for all termination penalties and expenses, not impose any termination penalties going forward, and refrain from “retaliating against, intimidating or harassing” a grower due a dispute over a termination penalty or due to their cooperation with the U.S. Department of Justice or Department of Agriculture. See *United States v. Koch Foods Inc.*, No. 1:21-cv-15813 (N.D. Ill. 2023) (Dkt. Nos. 1 ([Complaint](#)), 4-1 ([Consent Decree](#))). https://www.justice.gov/d9/2023-11/23-cv-15813_koch_-_explanation_stip_and_order_and_pfj.pdf

⁴⁸ U.S. Dep’t of Justice, Office of Public Affairs, [Assistant Attorney General Jonathan Kanter Delivers Remarks on Modernizing Merger Guidelines](#) (Jan. 18, 2022).

⁴⁹ [Federal Trade Commission and Justice Department Release 2023 Merger Guidelines](#) (Dec. 18, 2023).

⁵⁰ U.S. Dep’t of Justice, [Office of Access to Justice](#),

seeking public input on competition policy issues, the Antitrust Division has organized numerous opportunities for real-time dialog with the public.

23. In terms of enforcement, the Antitrust Division has made it easier for the public to provide information about potential anticompetitive mergers and business conduct. The Antitrust Division's Complaint Center, as well as industry-targeted access points like the Farmer Fairness Program and Healthcare Competition Complaint Portal provide important avenues for the public to notify antitrust enforcers about antitrust issues and participate in the antitrust enforcement process.⁵¹ The Antitrust Division's Leniency Policy also encourages individuals to take an active role in identifying and reporting antitrust crimes.⁵²

24. The Antitrust Division has also supported private rights of action on important substantive legal issues. Scholars highlight that "[p]rivate rights of action are an additional avenue to maintain democracy in competition law."⁵³ The meaningful participation of private plaintiffs in protecting competition "provide[s] a significant supplement to the limited resources available to the Department of Justice for enforcing the antitrust laws and deterring violations."⁵⁴ Over the last two years alone, the Antitrust Division has supported the efforts of private litigants through statements of interest and amicus briefs on substantive antitrust issues involving non-compete agreements for low-wage workers, the right to repair agricultural equipment, college financial aid, rental housing, real estate buyer-broker commissions, trade associations, and the broad range of remedies available to restore competition.⁵⁵

7. Conclusion

25. Competition is a cornerstone of democracy, and U.S. antitrust laws were enacted in large part to address the threats that monopoly power poses to democracy. The promise of individual liberty at the heart of modern democracies requires the economic liberty on which competitive markets are premised. By protecting the freedoms of choice and opportunity for individuals, democratic and pro-competition values reinforce each other to support a society that promotes general welfare through individual liberty. The Antitrust Division's work strengthens democracy by: (1) bringing cases to protect competition in the economic marketplace and the marketplace of ideas, (2) supporting democratic and

⁵¹ U.S. Dep't of Justice, Antitrust Division, [Complaint Center](#); U.S. Dep't of Agriculture, [Farmer Fairness](#); U.S. Dep't of Justice, Antitrust Division, [Submit a Healthcare Competition Complaint](#).

⁵² U.S. Dep't of Justice, [Leniency Policy](#).

⁵³ Waller, *supra* note 1 at 845.

⁵⁴ *Am. Soc'y of Mech. Eng'rs, v. Hydrolevel Corp.*, 456 U.S. 556, 572 n.10 (1982); *see also* Hauser, Lee, and Krattenmaker, [Antitrust Reformers Should Consider the Consequences of Mandatory Treble Damages](#), 107 Minn. L. Rev. Headnotes 9, 13 (2022) (citing Garvey, *supra* note 42 at 7, 8).

⁵⁵ *See Deslandes v. McDonald's USA, LLC*, 81 F.4th 699 (7th Cir. 2023) ([Dkt. No. 51](#)), *cert. denied*, 144 S. Ct. 1057 (2024); *Fuentes v. Jiffy Lube International, Inc.*, No. 2:18-cv-05174-AB (E.D. Pa. June 12, 2023) ([Dkt. No. 146](#)); *Deere & Co. Repair Serv. Antitrust Litig.*, No. 3:22-CV-50188 (N.D. Ill. Feb. 14, 2023) ([Dkt. No. 120](#)); *Henry, et al. v. Brown Univ.*, 1:22-cv-00125 (D. Ill. June 7, 2022) ([Dkt. No. 167](#)); *In Re: RealPage, Rental Software Antitrust Litigation* (No. II), 3:23-MD-3071 (M.D. Tenn. Nov. 15, 2023) ([Dkt. No. 628](#)); *McKenna Duffy v. Yardi Systems, Inc., et al.*, 2:23-cv-01391-RSL (W.D. Wa. Mar. 1, 2024) ([Dkt. No. 149](#)); *Nosalek v. MLS Prop. Info. Network, Inc.*, No. 1:20-cv-12244-PBS (D. Mass. Feb. 15, 2024) ([Dkt. No. 290](#)); *Kraft Foods Glob., Inc. v. United Egg Producers, Inc.*, No. 11-CV-8808 (N.D. Ill. Jan. 26, 2024) ([Dkt. No. 698](#)); *Epic Games, Inc. v. Google LLC*, 24-6274 (9th Cir. Oct. 26, 2024) ([Dkt. No. 24.1](#)).

economic freedom by reducing anticompetitive barriers to entry and preventing the exclusionary abuse of monopoly power, and (3) encouraging broader public participation in antitrust enforcement and policy.