Appendix B

STATE ANTITRUST LAWS

State	Statute and Elements
California	Cartwright Act Cal. Bus. & Prof. Code §§ 16720 (prohibited restraints on competition include a "combination of capital, skill or acts by two or more persons" for a prohibited purpose, including to "create or carry out restrictions in trade or commerce" and to "prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity"). *Tucker v. Apple Computer, Inc.,* 493 F. Supp.2d 1090, 1102 (N.D. Cal. 2006) ("The Cartwright Act has identical objectives to the federal antitrust acts, and cases construing the federal antitrust laws are permissive authority in interpreting the Cartwright Act.").
Florida	Florida Deceptive and Unfair Trade Practices Act (FDUTPA) Fla. Stat. § 501.204(2) ("It is the intent of the Legislature that, in construing subsection. . .due consideration and great weight shall be given to the interpretations of the [FTC] and the federal courts …"; see also *Mack v. Bristol-Myers Squibb Co.,* 673 So. 2d 100, 104 (Fla. Dist. Ct. App. 1996) (recognizing antitrust violations constitute violations of the FDUTPA and satisfying Sherman Act elements also satisfies elements of FDUTPA) (internal citations omitted)). The FDUTPA prohibits "[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.". Fla. Stat. § 501.204(1). The three elements of an FDUTPA claim are "'(1) a deceptive act or unfair practice; (2) causation; and (3) actual damages.'" *In re Flonase Antitrust Litig.,* 815 F. Supp.2d 867, 886 (E.D. Pa. 2011) (noting that antitrust violations constitute FDUTPA violations); *In re Florida Microsoft Antitrust Litig.,* 2002 WL 31423620, at *3 (Fla. Cir. Ct. 2002) (indirect purchaser remedy under FDUTPA "effectuates the consumer protection policies" underlying the statute).

Michigan	Mich. Comp. Laws § 445.772 ("A contract, combination, or conspiracy between 2 or more persons in restraint of, or to monopolize, trade or commerce in a relevant market is unlawful."). Mich. Comp. Laws § 445.784(2) ("It is the intent of the legislature that in construing all sections of this act, the courts shall give due deference to interpretations given by the federal courts to comparable antitrust statutes, including, without limitation, the doctrine of per se violations and the rule of reason."). Sections 445.772 and 445.773 "are modeled after § 1 (restraint of trade) and § 2 (monopoly) provisions of the Sherman Act" and are interpreted to be consistent with those provisions. *Partner & Partner, Inc. v. ExxonMobil Oil Corp.,* 326 Fed. Appx. 892, 898 (6th Cir. 2009). *See also Goldman v. Loubella Extendables,* 283 N.W.2d 695, 699 (Mich. Ct. App. 1979) ("The Michigan antitrust act is patterned after the Sherman Antitrust Act, 15 U.S.C. 1, and Federal court interpretations of the Sherman Act are persuasive authority as to the meaning of the Michigan act.").
Minnesota	Minn. Stat. § 325D.51 ("A contract, combination, or conspiracy between two or more persons in unreasonable restraint of trade or commerce is unlawful."). "As the purposes of Minnesota and federal antitrust law are the same, it is sensible to interpret them consistently." *Lorix v. Crompton Corp.,* 736 N.W.2d 619, 626 (Minn. 2007); *State v. Road Constuctors, Inc.,* 474 N.W.2d 224, 225 n.1 (Minn. Ct. App. 1991)("Minnesota antitrust law is interpreted consistently with federal case law developed under the Sherman Act."); *Inline Packaging, LLC v. Graphic Packaging Int'l, LLC,* 351 F. Supp. 3d 1187, 1202 (D. Minn. 2018) ("Minnesota anti-trust law is interpreted consistent with the federal court's construction of the Sherman Act.").
Nebraska	Neb. Rev. Stat. § 59-801 ("Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce, within this state, is hereby declared to be illegal."). Neb. Rev. Stat. § 59-829 ("When any provision of sections 59-801 to 59-831 and sections 84-211 to 84-214 or any provision of Chapter 59 is the same as or similar to the language of a federal antitrust law, the courts of this state in construing such sections or chapter shall follow the construction given to the federal law by the federal courts."). *See also Health Consultants v. Precision Instruments,* 527 N.W.2d 596, 601-604 (Neb. 1995) (following federal law in delineating elements of antitrust claims under Nebraska statute).

New York	Donnelly Act
	N.Y. Gen. Bus. Law § 340(1) ("Every contract, agreement, arrangement or combination whereby. . . [c]ompetition or the free exercise of any activity in the conduct of any business, trade or commerce or in the furnishing of any service in this state is or may be restrained. . . is hereby declared to be against public policy, illegal and void.").
	"Under New York law, the state and federal antitrust statutes 'require identical basic elements of proof.'" *Reading Int'l Inc. v. Oaktree Capital Mgmt. LLC,* 317 F. Supp. 2d 301, 332-33 (S.D.N.Y. 2003); *Gebman v. Kelly,* No. 08-CV-307, 2008 U.S. Dist. LEXIS 61762, at *12 (N.D.N.Y. Aug. 8, 2008) ("Courts generally interpret New York's Donnelly Act 'in a fashion identical to its federal counterpart, the Sherman Act.'"). *See also Anheuser-Busch, Inc. v. Abrams,* 520 N.E.2d 535, 539 (N.Y. 1988) ("The Donnelly Act – often called a 'Little Sherman Act' – should generally be construed in light of Federal precedent and given a different interpretation only where State policy, differences in the statutory language or the legislative history justify such a result.").