

Antitrust and Unfair Trade Practices Committee Report



Jol Silversmith*



Jeremy Handschuh**



Andrew Danas***

This report summarizes selected court decisions and filings; agency actions; and legislative developments in 2024, which involved antitrust, unfair competition, or deceptive trade practices issues within the transportation and logistics industries. It updates the TLA Antitrust and Unfair Trade Practices Committee report published in April 2024 that reviewed developments in 2023.

As a result of the 2024 Presidential election, the year marked last full year of the Biden Administration. Antitrust enforcement was a key focus of Biden Administration, making 2024 a very active year for legal issues involving transportation and logistics. This was especially so with respect to industry mergers and federal government actions seeking to prohibit perceived anticompetitive practices and private-sector lawsuits involving potentially deceptive practices. New regulations were adopted governing merger procedures; unreasonable refusals to deal by ocean carriers; detention and demurrage practices and invoicing in ocean shipping; and non-competes. Continuing the Biden Administration's focus on increasing competition in supply chain logistics and perceived competitive abuses of concentrated power by tech companies, federal

government agencies such as the Federal Trade Commission aggressively sought to prohibit the use of non-compete agreements and to challenge the activities of companies such as Amazon.com for allegedly tying the use of its logistics fulfillment services to favorable product placements on its online retail platform.

Some of these government efforts were more successful than others. For example, while the federal government successfully opposed airline mergers and the FTC lawsuit against Amazon survived a motion to dismiss, certain proposed rules – for example the FTC's ban on non-compete agreements – were stopped in court and are unlikely to be revived after the November 2024 election of President Trump.

As is often the case, many private-sector court cases in 2024 involved not only basic claims under the federal antitrust laws such as the Sherman and Clayton Acts¹ but also many broader competition law claims, including those under the Lanham Act;² the Computer Fraud and Abuse Act;³ various state implementations of the Uniform Deceptive Trade Practices Act; the Uniform Trade Secrets Act; and state unfair competition and consumer protection laws. One area of particular interest in 2024 was a series of cases involving state law deceptive

trade practices claims against motor carriers and household goods movers that were preempted under the Carmack Amendment because the claims also related to the loss and damage of shipped goods.

Finally, late in 2024, the Attorney General of the State of Nebraska filed a state law antitrust lawsuit against Class 8 truck manufacturers alleging an unlawful collaboration to adopt CARB Clean Truck Partnership standards and reduce the production of internal combustion vehicles in favor of electric vehicles. It remains to be seen whether this litigation is a harbinger of future lawsuits that may be brought in 2025 under the new Trump Administration.

The selective and non-comprehensive summaries provided below focus on the issues that involved antitrust and unfair competition law or deceptive trade practices. As such, other issues discussed or addressed in the cases or dispositive to their resolution may not be addressed.

Litigation

Aviation

- In November 2024, a panel of federal appeal judges affirmed that the "Northeast Alliance" between American Airlines and JetBlue Airways, for coordination in Boston and New York, violated the Sherman Act.⁴ A private lawsuit remains pending, which alleges that the alliance caused consumers to pay

* KMA Zuckert LLP (Washington, D.C.) - Co-Chair, Antitrust and Unfair Trade Practices Committee

** Mitchell-Handschuh Law Group, LLC (Atlanta, GA) - Co-Chair, Antitrust and Unfair Trade Practices Committee

*** Grove, Jaskiewicz & Cobert LLP (Washington, D.C.) - Co-Chair, Antitrust and Unfair Trade Practices Committee

supra-competitive prices for air transportation.⁵

- The DOJ also challenged the proposed merger of JetBlue and Spirit Airlines; a ruling blocking the combination under the Clayton Act was issued in January 2024, leading to the merger's abandonment.⁶ The plaintiffs in a private lawsuit have requested attorney fees, asserting that they were effectively the prevailing party.⁷
- A provider of fuel and other services asserted that an airport illegally excluded it by acquiring other operators and providing the services itself; the court concluded that the defendants were immune from antitrust claims.⁸
- The Fifth Circuit has preliminarily enjoined the enforcement of regulations adopted in April 2024 which would require air carriers and agents to provide enhanced disclosures about ancillary fees when booking air transportation.⁹
- US Airways, which prevailed in an antitrust claim against Sabre, regarding ticket distribution; its successor, American, received only a nominal \$1 in damages, but requested more than \$139 million in costs. The parties subsequently entered into a settlement.¹⁰
- A shuttle for airline crew alleged that the Port Authority of New York and New Jersey favored a competitor; the court held that the defendants had state action immunity, and that antitrust injury had not been shown.¹¹
- A complaint which alleges that certain air carriers conspired to allocate slot assignments at U.S. airports was refiled after previously twice having been dismissed on procedural grounds. The defendants have again moved to dismiss.¹²
- An air carrier in the Northern Mariana Islands has alleged that a competitor conspired with the territorial government to violate the Sherman Act and

charge below-market prices for air transportation.¹³

- A startup provider of inflight connectivity products for business aircraft alleged that the dominant company in that market abused its monopoly to prevent new entry, in violation of the Sherman Act and other laws.¹⁴

Rail

- A declaratory judgment action between two railroads to enforce the haulage terms of a 1988 agreement constituted a merger condition, not a contractual dispute, and was thus held by a federal district court to be subject to the exclusive and primary jurisdiction of the Surface Transportation Board.¹⁵
- The Fourth Circuit affirmed a district court ruling that CSX could not use the "continuing violation" rule to bring an antitrust case based on rate changes made nine years earlier by Norfolk Southern.¹⁶
- In a case alleging fuel surcharge price-fixing by railroads, the court held that certain documents regarding interline movements would not be considered, because they were excluded by 49 U.S.C. § 10706.¹⁷

Trucking

- The FTC and Florida filed a lawsuit against a company which promised investors passive income from purchasing trucks, to be operated on their behalf, a scheme which they allege to have been fraudulent.¹⁸
- On November 19, 2024, the Nebraska Attorney General and two combustion fuel trade associations filed a state court lawsuit against the Truck & Engine Manufacturers Association and individual truck manufacturers alleging an unlawful collaboration to adopt California Air Resource Board (CARB) standards to reduce the production of internal combustion vehicles in favor of electric vehicles.¹⁹

Ocean

- In 2022, DOJ criminally charged the operators of a transmigrant agency,

who allegedly fixed prices for cars and other cargo shipped to Central America. In October 2024, one defendant, Sandra Guerra Medina, pleaded guilty.²⁰

- On July 5, 2024 the United States Court of Appeals for the D.C. Circuit set aside and remanded a decision of the Federal Maritime Commission ("FMC") finding that an ocean carrier had violated the FMC's interpretive rule governing practices of carriers when charging and collecting detention and demurrage charges. The Court held that the FMC's decision was arbitrary and capricious in finding that the carrier had engaged in an unreasonable practice when it charged detention and demurrage fees on days when equipment could not be returned because a port was closed. The Court stated that the FMC could not treat the port closure as a bright line test but needed to consider the overall facts and circumstances of the carrier's practices and charges.²¹

Inland Waterways

- A company which planned to build a transfer terminal to allow oil to be transported on inland waterways alleges that a pipeline operator and other competitors blocked the project in violation of the antitrust laws.²²

Bus

- A tour bus company alleged that competitors conspired to limit its access to attractions in New York City. The case was dismissed on the basis of *res judicata*, because similar claims were litigated previously.²³
- A separate-but-related case was filed in a New York state court in 2019 by the competing tour companies. In May 2024, the New York Court of Appeals held that Go Taxi could bring allegations under state antitrust law as counterclaims.²⁴

Household Goods

- Since they were found to also relate to claims for lost or damaged goods,

the Carmack Amendment was held to preempt state-law claims against a household goods moving company and its agent based on fraudulent inducement of contract and state consumer protection law claims when the carrier doubled the price quoted for the goods and then refused to deliver the shipment.²⁵

- A shipper's claims for violations of the Ohio Consumer Sales Practices Act, the Ohio Deceptive Trade Practices Act, negligent misrepresentation, conversion, and fraud against a household goods moving company that charged prices higher than quoted; failed to provide promised equipment; and delivered damaged property were preempted under the Carmack Amendment.²⁶
- Plaintiff's state law claims for fraudulent misrepresentations and violations of the Illinois Consumer Fraud and Deceptive Business Practices Act against movers who renegotiated the contact move rate and demanded additional charges after the move had commenced and then delayed delivery were dismissed as preempted under the Carmack Amendment because they were based on a contract related to the plaintiff's claims for damaged goods.²⁷

E-Commerce and Related Fulfillment Services

- A federal district court denied Amazon's motion to dismiss claims brought by the FTC and nineteen states and territories that allege that Amazon has violated Section 5(a) of the FTC Act; Section 2 of the Sherman Act, and state antitrust and consumer protection laws by engaging in anticompetitive practices, including coercing sellers to use Amazon's fulfillment services. The court did dismiss several state law claims, without prejudice.²⁸
- A federal district court dismissed with prejudice claims by individual consumers that Amazon violated Sections 1 and 2 of the Sherman

Act by forcing third-party sellers to purchase Amazon's shipping and fulfillment services by tying the service and leveraging its power over product placement on Amazon's online retail marketplace. The court found that even though the plaintiffs alleged that they paid higher prices, they did not allege that their injuries flowed from the tying arrangement in the shipping market or that they paid more for shipping or experienced an antitrust injury in the shipping market.²⁹

Administrative Department of Transportation

- In December 2023, Alaska Airlines announced plans to acquire Hawaiian Airlines; the transaction closed in September 2024 after DOJ stated no objections, and the federal DOT (which had a limited role, based on its oversight of the carriers' authority) imposed minimal conditions.³⁰ Additionally, a private lawsuit challenging the transaction was dismissed on procedural grounds.³¹
- In February 2023, International Airlines Group (parent of British Airways and Iberia) announced plans to acquire Air Europa. The transaction was abandoned in August 2024 based on European Commission objections, but the DOJ also issued a statement in support of the EC.
- In December 2024, Korean Air closed its acquisition of Asiana, originally announced in November 2020, after DOJ (without publicity) stated no objections to the transaction. DOJ previously had indicated concerns, but concessions already had been required by other regulators. The review of an additional international air carrier merger remains pending at DOJ: ANA's acquisition of NCA, originally announced in March 2023.
- In October 2024, DOT and DOJ issued a joint Request for Information seeking comments on competition in air transportation, identifying an array

of subjects, ranging from air carrier consolidation to aircraft manufacturing to labor issues. DOJ Docket No. ATR-2024-0001.

- DOT continues to consider whether the antitrust immunity previously granted to Delta Air Lines and Aeromexico in 2016 should be terminated, and an application filed by Allegiant and VivaAerobus in 2021 should be denied, because Mexico has not honored its commitments under the Open Skies treaty with the United States.³²
- In September 2023, Airlines for America and JetBlue Airways filed complaints at DOT pursuant to the International Air Transportation Fair Competitive Practices Act alleging that they had been denied fair access to Schiphol Airport in Amsterdam. JetBlue later withdrew its complaint, but the A4A complaint remains pending.³³
- In April 2024, DOT adopted regulations imposing new refund requirements for delayed and cancelled flights.³⁴ DOT also issued a final rule requiring air carriers and ticket agents to clearly disclose passenger-specific or itinerary-specific ancillary service fees for passenger air transportation.³⁵ DOT also solicited comments on new requirements that air carriers ensure parents and children are assigned adjacent seats.³⁶
- The FAA Reauthorization Act of 2024 (Pub. L. 118-63) directed GAO to study competition and consolidation among air carriers (§ 514) and directed DOT to brief Congress on what measures it and FAA could take to enhance competition at New York airports (§ 764).

Surface Transportation Board

- In October 2024, the STB approved the acquisition of the Meridian & Bigbee Railroad's "Western Line" in Alabama by CSX Transportation Inc., and the acquisition of its "Eastern Line" in Alabama by Canadian Pacific Kansas City Limited.³⁷

Federal Maritime Commission

- The FMC issued a “Demurrage and Detention Billing Requirements” final rule on February 26, 2024, 89 Fed. Reg. 14330, which took effect on May 28, 2024. The Commission subsequently denied a petition by the Ocean Carrier Equipment Management Association requesting that the FMC delay the effective date of the rule.³⁸
- The FMC affirmed an earlier administrative decision that restrictions by ocean common carriers on the chassis providers that could be used by motor carrier partners violated the Ocean Shipping Reform Act of 2022.³⁹
- In July 2024, the FMC issued a policy statement which clarified its powers to investigate coordination agreements filed with the agency by ocean common carriers, including to gather evidence and hold hearings, prior to seeking injunctive relief in court.⁴⁰
- The FMC allowed the “Gemini” cooperation agreement between Maersk A/S and Hapag-Lloyd Aktiengesellschaft to enter effect, even while noting concerns about its competitive implications, and the limited window for the review of filed agreements. FMC Agreement No. 201429.
- Pursuant to the Ocean Shipping Reform Act of 2022, on July 23, 2024 the FMC published its final rule, *Definition of Unreasonable Refusal to Deal or Negotiate with Respect to Vessel Space Accommodations Provided by an Ocean Common Carrier*.⁴¹

Federal Trade Commission

- The Federal Trade Commission (FTC) published a final rule providing that it is an unfair method of competition under Section 5 of the FTC Act for persons to enter into non-compete clauses in most circumstances.⁴² A federal district court in Texas entered a national injunction against

implementation of the rule before it could take effect, on September 4, 2024. An appeal to the Fifth Circuit is pending.⁴³ The FTC is also appealing to the Eleventh Circuit a decision by a Florida federal district court that suggested that the rule likely exceeded the agency’s authority but only barred enforcement as to the parties.⁴⁴ A third challenge to the rule was dropped when a federal district court refused to bar enforcement of the rule.⁴⁵

- On November 12, 2024 the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice published a final rule and Statement of Basis and Purpose to amend the Premerger Notification Rules that implement the Hart-Scott-Rodino Antitrust Improvement Act, including the Premerger Notification and Report Form for Certain Mergers and Acquisitions and related instructions.⁴⁶
- In December 2024, the FTC, along with DOJ, announced that it was withdrawing its 2000-vintage guidelines for collaboration among guidelines, stating that it was no longer reliable because of subsequent court decisions, revisions to the underlying safe harbor guidelines, and new analytical methodology.⁴⁷

Consumer Financial Protection Bureau

- On December 23, 2024 the Consumer Financial Protection Bureau filed suit against Walmart Inc. and Branch Messenger, Inc. in the federal district court for Montana, alleging that Walmart and Branch, a financial technology company which offered deposit account services, engaged in unfair acts or practices in violation of the Consumer Financial Protection Act of 2010 with respect to opening and administering bank accounts on behalf of and to pay drivers performing last mile delivery services pursuant to the Walmart Spark Drivers program.⁴⁸

Additional Subject Areas Lanham Act; Trademarks; False Advertising; Libel

- A federal court adopted a magistrate judge’s recommendation to grant a transportation and logistics company a default judgment and injunctive relief against a competing carrier for federal and common law trademark infringement and common law unfair competition but denied default judgment for injury to business reputation or trademark. The case was re-referred to the magistrate for further proceedings to determine an award of damages, costs, and attorneys’ fees.⁴⁹
- A court dismissed a company’s Lanham Act and state law false advertising claims against defendant warehouse and logistics company with which it had entered into a warehouse and fulfillment agreement. The plaintiff, which sold a variety of products to consumers, claimed it was injured because the defendant was unable to meet its needs and did not have the state-of-the-art facilities, advanced technology, and fulfillment center capacity that it advertised and represented it had. The court held that while a competitor that is forced out of business due to a defendant’s false advertising may have a claim within the “zone of interest” for false advertising under the Lanham Act, a business misled by a supplier does not have such a claim.⁵⁰
- The United States Court of Appeals for the Sixth Circuit affirmed a lower court ruling that a carrier failed to assert claims for statutory disparagement under the Tennessee Consumer Protection Act and false advertising under the Lanham Act against a consultancy based on statements the consultancy made to the carriers contracted service providers.⁵¹
- A passenger’s causes of action for false advertising in violation of the California Consumers Legal

Remedies Act; California False Advertising Law; and California Unfair Competition Law against an airline claiming that it was “a carbon neutral airline” were not preempted by the Airline Deregulation Act because the claims were not sufficiently related to rates, routes, or services.⁵²

- A court refused to dismiss claims under the District of Columbia Consumer Protection Procedures Act (CPPA) asserted by a ride-share passenger injured in an auto accident. The court found that the plaintiff’s allegations that the ride-share company advertised itself as being a competitor of Uber and Lyft suggested that it was governed by the same laws, but that the defendant’s failure to disclose or obscured that it neither provided nor required its drivers to maintain rideshare insurance policies or that it failed to maintain insurance policies of its own to cover its drivers, fell within the scope of practices prohibited by the CPPA.⁵³
- The Carmack Amendment did not pre-empt a libel claim against a carrier based on communications between the carrier with the seller and/or eBay because the claim did not arise from a loss of goods themselves but would be dismissed without prejudice because there was no federal anchor claim that would give supplemental federal court jurisdiction.⁵⁴

Hidden-City Ticketing

- While describing its practices as being “stinky” and a “somewhat dubious business model,” a federal

court granted summary judgement to an internet-based travel logistics company that assisted its customers in using “hidden-city ticketing” to purchase less expensive airline tickets against an airline’s claims for breach of contract, breach of its conditions of carriage, and tortious interference with its conditions of carriage. The court found that the airline “waited a little too long to extinguish the stench.” The Court did grant the airline’s claim for copyright infringement but held that granting summary judgment on the airline’s claims for trademark infringement and unfair competition was improper due to the defendant’s possible laches defense.⁵⁵

Computer Fraud and Abuse Act

- On July 18, 2024, a jury in the U.S. District Court in Delaware found that Booking.com had violated the Computer Fraud and Abuse Act (CFAA) by automatically “screen scraping” data belonging to Ryanair to obtain data that was allegedly then used by defendant online travel agents to allow their users to book Ryanair flights at higher prices. The jury awarded Ryanair \$5,000. It also ruled against Booking.com on its counter-claims that Ryanair had engaged in unfair competition; tortious interference with business relations; or deceptive trade practices.⁵⁶

Deceptive Trade Practices and Consumer Protection Acts

- A passenger who, while seated at an airplane window, witnessed the suicide of an employee of the defendant ground and handling services

company failed to state a claim for a violation of the Texas Deceptive Trade Practices Act.⁵⁷

- A plaintiff’s Texas Deceptive Trade Practices claims for lost and undelivered packages were held to be preempted by the Carmack Amendment; the Airline Deregulation Act; and the Federal Aviation Administration Authorization Act of 1994.⁵⁸
- Plaintiff independent contractor truck driver allegations that the defendant had committed unfair and deceptive trade practices in allegedly orchestrating an insurance scheme that denied workers compensation to the driver when he was injured while riding with another independent contractor failed to state a claim as a matter of law because plaintiff was not an independent contractor or subcontractor of defendant.⁵⁹
- A federal court denied Amazon’s motion to dismiss a putative class action by drivers for Amazon.com and Amazon Logistics for unfair and deceptive practices under the Washington Consumer Protection Act for the alleged failure of Amazon Flex to honor its promise that workers would receive 100 percent of tips that customers added for tip-eligible deliveries. Although in 2021 Amazon had agreed to a settlement with the Federal Trade Commission to pay more than \$61.7 million to settle FTC charges related to the practices, the court found that while the drivers were not entitled to a double recovery, they could assert additional claims under the WPCA.⁶⁰

Endnotes

¹ 15 U.S.C. §§ 1-38; 15 U.S.C. §§ 12-27.

² 15 U.S.C. §§ 1051, et. seq.

³ 18 U.S.C. § 1030, et. seq.

⁴ *United States v. American Airlines Group*, 1st Cir. No. 23-1802.

⁵ *Berger v. JetBlue Airways Corp.*, E.D.N.Y. No. 22-CV-7374.

⁶ *United States v. JetBlue Airways Corp.*, D.Mass. No. 23-10511.

⁷ *Garavanian v. JetBlue Airways Corp.*, D.Mass. No. 23-CV-10678, 1st Cir. 24-1843.

- 8 *Coral Aviation Group v. Muller*, E.D. Penn. No. 23-CV-1838.
9 *Airlines for America v. DOT*, 5th Cir. No. 24-60231.
10 *US Airways, Inc. v. Sabre Holdings Corp.*, S.D.N.Y. No. 11-CV-2725.
11 *Amigo Shuttle, Inc. v. Port Authority*, 2024 U.S. Dist. LEXIS 198687, 2024 WL 4628330 (Mar. 26, 2024), additional decision 2024 U.S. Dist. LEXIS 227256; 2024 WL 5107240 (S.D. N.Y. Dec. 13, 2024) (22-CV-10361-PKC).
12 *Endres v. Air Canada*, D.D.C. No. 24-CV-883.
13 *Star Marianas Air, Inc. v. Southern Airways Express, LLC*, N.M.I. No. 24-CV-0010.
14 *SmartSky Networks, Inc. v. GoGo, Inc.*, W.D.N.C. No. 24-CV-1087.
15 *Union Pac. R.R. v. Kan. City S. Ry. Co.*, 2024 U.S. Dist. LEXIS 29303; 2024 WL 711617 (W.D. MO., Feb. 21, 2024)(No. 4:23-CV-00593-DGK).
16 *CSX Transportation, Inc. v. Norfolk Southern Railway Company*, 4th Cir. No. 23-1537. 114 F.4th 260.
17 *In re Rail Freight Surcharge Litigation*, D.D.C. No. 11-CV-1049, MDL No. 1869.
18 *FTC v. Rivx Automation Corp.*, S.D.Fla. No. 24-CV-23152.
19 *State of Nebraska, Energy Marketers of America, and Renewable Fuels Nebraska v. Daimler Truck North America, International Motors, Inc. F/K/A/ Navistar, Inc., PACCAR, Inc., Volvo Group North America, and Truck & Engine Manufacturers Association* (D.Ct. Lincoln County Nebraska)(Case No. D15CI2400005070).
20 *United States v. Martinez*, S.D.Tex. 22-CR-0560.
21 *Evergreen Shipping Agency (Am.) Corp. v. FMC*, 106 F.4th 1113 (D.C.Cir. No. 23-1052).
22 *Ducere LLC v. Enbridge (U.S.), Inc.*, N.D.Ill. No. 24-CV-1217.
23 *Go New York Tours, Inc. v. Gray Line N.Y. Tours, Inc.*, S.D.N.Y. No. 23-CV-4256.
24 *Taxi Tours, Inc. v. Go New York Tours, Inc.*
25 *Zierke v. Am. Van Lines, Inc.*, 2024 U.S. Dist. LEXIS 41519; 2024 WL 982587 (D.CO. Feb. 16, 2024)(Civil Action No. 23-cv-00475-DDD-JPO), adopted and dismissed by, without prejudice. 2024 U.S. Dist. LEXIS 41522 (D. Colo., Mar. 4, 2024).
26 *McCarthy v. Krupp Moving & Storage II, LLC*, 2024 U.S. Dist. LEXIS 124031; 2024 WL 3413255 (S.D. Ohio July 15, 2024)(Case No. 1:24-CV-79).
27 *Scheuer v. Rado Express Logistics, Inc.*, 2024 U.S. Dist. LEXIS 56220; ___ F.Supp.3d ___ (N.D. Ill. March 28, 2024)(Case No. 23-CV-00531).
28 *FTC, v. Amazon.Com, Inc.*, 2024 U.S. Dist. Lexis 185792; 2024 WL 4448815 (W.D. Wash. September 30, 2024)(Case No. 2:23-CV-01495-JHC).
29 *Hogan v. Amazon.com, Inc.*, 2024 U.S. Dist. LEXIS 44574; 2024 WL 1091671 (W.D. Wash. March 13, 2024)(Case No. 2:21-cv-00996-JHC).
30 DOT Docket No. OST-2024-0084.
31 *Yoshimoto v. Alaska Airlines, Inc.*, D.Haw. 24-CV-0173, 9th Cir. 246692.
32 DOT Dockets No. OST-2015-0070 and OST-2021-0152.
33 DOT Dockets Nos. OST-2023-0028, OST-2023-0148, and OST-2023-0151.
34 DOT Docket Nos. OST-2022-0089 and OST-2016-0208; 89 Fed. Reg. 32760 (April 26, 2024).
35 DOT Docket Nos. OST-2022-0109; 98 Fed. Reg. 34620 (April 30, 2024).
36 DOT Docket No. 2024-0091; 89 Fed. Reg. 80435 (Oct. 3, 2024).
37 STB Nos. FD 36727 and FD 36732.
38 89 Fed. Reg. 77787 (Sept. 24, 2024).
39 *Intermodal Carriers Conference v. OCEMA*, Docket No. 20-14.
40 Docket No. 24-25.
41 89 Fed. Reg. 59648.
42 *FTC Non-Compete Clause Rule*, 89 Fed. Reg. 38342 (May 7, 2024).
43 *Ryan LLC v. FTC*, 2024 U.S. Dist. LEXIS 148488 (N.D. Tex. Aug. 20, 2024).
44 *Properties of the Villages, Inc. v. Federal Trade Commission*, 2024 U.S. Dist. LEXIS 151982 (M.D. Fla Aug. 15, 2024).
45 *ATS Tree Services, LLC. v. Federal Trade Commission*, 2024 U.S. Dist. LEXIS 129398 (E.D.Pa. July 23, 2024).
46 89 Fed. Reg. 89216.
47 <https://www.ftc.gov/legal-library/browse/withdrawal-guidelines-collaboration-among-competitors>.
48 *Consumer Financial Protection Bureau v. Walmart Inc. & Branch Messenger, Inc.* (Case No. 24-CV-4610).
49 *Sunteck/TTS Integration LLC v. Sunteck Transportation, Inc.*, 2024 U.S. Dist. LEXIS 26611 (Jan. 22, 2024), recommendation adopted, *Sunteck/TTS Integration LLC v. Sunteck Transp. Inc.*, 2024 U.S. Dist. LEXIS 25602 (N.D. Tex., Feb. 14, 2024)(No. 3:23-CV-282-K).
50 *Oj Commerce LLC v. Traffic Tech., Inc.*, 2024 U.S. Dist. LEXIS 150838 (C.D. Calif. August 21, 2024)(Case No. 24-CV-1407 PA (MAAx).
51 *FedEx Ground Package System, Inc. v. Route Consultant, Inc.*, 97 F. 4th 444 (6th Cir. 2024).
52 *Berrin v. Delta Air Lines, Inc.*, 2024 U.S. Dist. LEXIS 58323; 2024 WL 3304815 (C.D.Calif. March 28, 2024)(Case No. 2:23-CV-04150-MEMF-MRW).
53 *Brown v. Yazam, Inc.*, 2024 D.C. Super. LEXIS 15 (D.C. Sup. Ct. April 24, 2024)(Case No. 2023-CAB-6742).
54 *Mendenhall v. FedEx Ground Package Sys.*, 2024 U.S. Dist. LEXIS 114351; 2024 WL 3226580, (N.D. Ill. June 28, 2024)(Case No. 23-CV-11025).
55 *American Airlines, Inc. v. Skiplagged, Inc.*, 2024 U.S. Dist. LEXIS 135229; 2024 U.S.P.Q.2D (BNA) 1396; 2024 WL 3625314 (N.D. Tex. July 31, 2024)(Case No. 4:23-cv-0860-P).
56 *Ryanair Dac v. Booking Holdings, Inc.*, 2024 U.S. Dist. LEXIS 141004; 2024 WL 3732498 (D.Del. June 17, 2024)(No. 20-CV-1191-WCB).
57 *Hill v. Unifi Aviation, LLC*, 2024 U.S. Dist. LEXIS 208710 (W.D. Texas, Nov. 14, 2024)(Case No. SA-23-CV-00970-JKP).
58 *Tanali Fam. Trust v. UPS*, 2024 U.S. Dist. LEXIS 103362; 2024 WL 2946576 (S.D. Tex. June 11, 2024)(Case No. 1:22-CV-154).
59 *Yow v. Dispatch & Servs.*, 2024 N.C. App. LEXIS 1022; 2024 WL 5134940 (Ct. App. N.C., Dec. 17, 2024)(No. COA24-405).
60 *Miller v. Amazon.com, Inc.*, 2024 U.S. Dist. LEXIS 192850 (W.D. Wash., Oct. 23, 2024)(Case No. 21-CV-204-BJR).