

DOJ Deal With Live Nation Throws Antitrust Trial Into Disarray

By **Pete Brush**

Law360, New York (March 9, 2026, 10:12 AM EDT) -- U.S. Department of Justice lawyers told a Manhattan federal judge Monday that the government is settling its claims that Live Nation engaged in unlawful monopolization by tying ticket sales to the use of its venues, throwing an ongoing trial involving dozens of states into an uncertain posture.

The comments to U.S. District Judge Arun Subramanian came as the second week of a Sherman Act trial was set to get underway in Live Nation's effort to beat claims by the federal government, 39 states and the District of Columbia that it engaged in monopolistic conduct to control the live entertainment supply chain after its 2010 purchase of Ticketmaster.

The DOJ cited a term sheet dated Thursday that had not been docketed as of Monday morning. Judge Subramanian ordered Live Nation CEO Michael Rapino, who signed the document, to appear in court Tuesday to answer questions.

The DOJ had no immediate public comment but told news outlets that the deal provides for payments of \$280 million to states as well as an agreement to let competitors like SeatGeek sell tickets for Live Nation venues.

An afternoon statement from Live Nation cited the \$280 million figure to fund states' damages claims. It said also that it will afford noncompany music promoters access to its venues, divest 13 exclusive booking agreements with amphitheaters and cap ticketing services fees at 15%. The settlement would also include an eight-year extension of the company's consent decree with the DOJ, the company said.

"We are happy to take greater steps to empower artists and venues in their ticketing decisions, and are confident we will continue to succeed," Rapino said in the statement.

Claims from the District of Columbia and the 39 states — including New York Attorney General Letitia James — remain in play. The Empire State claims, among other things, that Live Nation's conduct saddles music fans with high prices and outrageous fees.

James' office has previously said that it would continue to pursue its case no matter what the feds do. Other states, including Florida, had also expressed concerns about entering into a settlement at the outset of trial, according to statements in court.

In a statement, James' office said the DOJ deal "fails to address the monopoly at the center of this case"

and that the Empire State can't agree to it.

"We will continue our lawsuit to protect consumers and restore fair competition to the live entertainment industry," James said.

Other states including California, Massachusetts and Connecticut said they would continue to press claims from their attorneys general. California Attorney General Rob Bonta said a coalition of states plans "to continue the fight to hold the concert giant accountable" for allegedly harming consumers.

It was unclear if the trial would continue, and if so, in what capacity. At least one representative for the state plaintiffs said in court Monday that a mistrial was warranted, but the judge indicated that the states should be prepared to continue the trial and press their claims for damages. The feds' "sudden disappearance" merits a mistrial and a stay of the case, a Monday memorandum from the state plaintiffs said.

Prior to instructing the jury of 12 to return to court on March 16 unless directed otherwise, Judge Subramanian also asked why the trial proceeded on Friday despite a Thursday term sheet. If the trial continues, the jury would weigh allegations that Live Nation pressures artists who use its large amphitheaters to also use its promotional services, and that the company unduly ties the use of its venues to the use of Ticketmaster.

The morning news of a deal between Live Nation and the DOJ in Washington appeared to catch even the federal trial lawyers by surprise. The DOJ's David Dahlquist said his team and the states would have to study the term sheet before advising the court on next steps.

Live Nation has denied wrongdoing, arguing that it made the market more competitive and has improved experiences for concertgoers.

But the plaintiffs say that since the 2010 tie-up, Live Nation and Ticketmaster have continued to grow and misuse their position in the market. They claim overcharges are passed on to consumers and that Live Nation has failed to improve important ticketing technologies.

In a statement, Stephen Parker of the National Independent Venue Association, which represents venues and festivals, said details that have emerged so far suggest a friendly deal for Live Nation, which earns billion-dollar profits.

"Live Nation's reported settlement amount — \$280 million — is the equivalent of four days of their 2025 revenue, which means they could potentially make it back by this Friday," Parker said. "The reported settlement does not appear to include any specific and explicit protections for fans, artists, or independent venues and festivals."

Another industry player, Brian Berry of the Ticket Policy Forum, called the proposed deal a capitulation by the DOJ and said the announced remedies amount to a "token tap on the wrist" for Live Nation.

"After a strong first week at trial, live event fans will continue to suffer with a settlement that will equate to less than a speed bump," Berry said in a press release. "We are confident many state attorneys general will stay the course."

In an email to Law360, Crowell & Moring LLP antitrust partner Kenneth Dintzer noted that under the

federal Tunney Act the settlement will require judicial review, which will shed "more insight" on Monday's events.

"The devil is in the details," Dintzer said.

The federal government is represented by counsel including Bonny Sweeney, Lorraine Van Kirk and David Dahlquist of the U.S. Department of Justice's Antitrust Division.

The states are represented by their respective attorneys general.

Live Nation and Ticketmaster are represented by Al Pfeiffer, David Marriott, Tim O'Mara, Jennifer L. Giordano, Andrew Gass, Kelly Fayne, Lindsey S. Champlin and Robin L. Gushman of Latham & Watkins LLP and Lauren A. Moskowitz, Jesse M. Weiss and Nicole M. Peles of Cravath Swaine & Moore LLP.

The case is U.S. v. Live Nation et al., case number 1:24-cv-03973, in the U.S. District Court for the Southern District of New York.

--Editing by Daniel King.