

A Look At The Court's Next Steps In Live Nation Antitrust Case

By **Kenneth Dintzer, Astor Heaven and Alyssa Alvarez** (June 9, 2026, 1:47 PM EDT)

The Live Nation Entertainment Inc. antitrust case has become a legal Rorschach test, with each participant asking the court to act based on a completely different reading of what happened during trial.

The U.S. Department of Justice saw the monopolization case as risky, and settled with Live Nation on March 9, just days after picking a jury. For the DOJ, the next step is to obtain court approval of the agreed resolution.

For the 33 remaining states and the District of Columbia that carried on after DOJ left, the jury's unanimous April 15 verdict against Live Nation represents an opportunity to continue with muscular antitrust enforcement.

This group will ask the U.S. District Court for the Southern District of New York to break up the Live Nation-Ticketmaster duo, and to award damages and penalties for past conduct.

For the defendants, the trial was a raft of errors — both on the evidence admitted and the jury instructions issued; they are asking the court to reverse the verdict or for a new trial to resolve these errors.

One thing everyone agrees on: The case isn't over.

Background

After four days of deliberation in April, a federal jury found Live Nation and its subsidiary Ticketmaster liable on every antitrust count submitted, including monopolization of primary ticketing markets, and illegal bundling of its promotions and venue business lines. This verdict followed a six-week trial before U.S. District Judge Arun Subramanian.

The jury also found the defendants liable for \$1.72 in damages for each primary concert ticket sold pursuant to the anticompetitive conduct.[1] This verdict came weeks after the DOJ settled with the defendants, prompting 33 states and the District of Columbia to continue the litigation independently.



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Next Up for the Case

The DOJ reached a \$280 million settlement a week into the trial. Although the full terms must eventually be published pursuant to the Antitrust Procedures and Penalties Act, also known as the Tunney Act, the only currently public information is a signed term sheet.

The DOJ's settlement remains subject to Tunney Act review by Judge Subramanian, who must determine whether the terms are in the public's interest before the settlement can be finalized. The jury's verdict raises unique grounds to consider whether the DOJ's deal was adequate.

The government has argued that there is no reason to delay entry of the final judgment pending the completion of remedy proceedings, and has noted that delaying the Tunney Act proceedings could also affect the approval of state-specific settlements. Notably, the U.S. did not take a position on whether the plaintiff states and the defendants should engage in remedies discovery concurrently with or after the Tunney Act proceeding.

Next, on May 21, Live Nation renewed its request for judgment notwithstanding the jury's verdict, or in the alternative, a new trial based, it said, on "highly prejudicial" evidence that the jury was allowed to consider, and "erroneous" jury instructions presented by the court. The parties will continue briefing these issues and on July 9 the court plans to hold a hearing on Live Nation's motions.

In addition, the jury found that Ticketmaster's anticompetitive practices led to people in 21 states and the District of Columbia paying an extra \$1.72 for every primary concert ticket sold pursuant to the anticompetitive conduct.

Next up, the court must calculate the number of tickets subject to this per-ticket award. This calculation is a factual question the parties are likely to dispute and will be followed by mandatory trebling under the Clayton Act, Section 4, which could push the total award toward \$450 million.

Finally, for their part, on May 21, the remaining states filed a letter, as instructed by the court, laying out the remedies they will be seeking going forward.

The 15-point filing informed the court that the states will seek an order (1) requiring Live Nation to divest from Ticketmaster, (2) prohibiting Live Nation from conditioning a venue's access to concerts based on that venue's ticketing platform, (3) limiting Ticketmaster's present and future contracting for exclusive ticketing arrangements, and (4) divesting from some Live Nation-owned amphitheaters.

The filing also noted that the states will seek monetary relief in the form of damages, penalties, disgorgement of profits and restitution. The amount of this relief was not quantified. This letter kicks off a remedy phase that will likely include more discovery and another substantive hearing.

The plaintiff states proposed that, to avoid potential duplication and serve judicial efficiency, fact discovery relating to remedies proceedings occur contemporaneously with the Tunney Act's 60-day comment period. If the court authorizes any Tunney Act-related discovery, the plaintiffs argue that such discovery would also be admissible in the plaintiff states' remedies proceedings.

The defendants took the opposite view: Any remedy proceedings should follow both the resolution of

the defendants' motions to overturn the verdict as well as the completion of the Tunney Act proceedings. On June 3, the court held that resolution of post-trial motions — including the Tunney Act proceedings — would come before any discovery on remedies.

Watching the Balance of This Litigation

The Live Nation verdict could ripple well past the concert ticket industry, and a broad range of stakeholders should monitor the remedy phase and any subsequent proceedings. Individual ticket purchasers who bought concert tickets at major concert venues in the plaintiff states stand to benefit from a direct damage award.

Artists and venue operators who have operated within a ticketing and promotion ecosystem dominated by Live Nation and Ticketmaster should evaluate whether the jury's findings on exclusionary conduct give rise to independent claims for competitive harm.

Finally, the verdict is a playbook for a separate wave of sports ticketing litigation; franchises, leagues, venue operators and competing platforms in that space should assess their exposure.

Broader Implications

For any company engaged in or contemplating a significant transaction touching consumer markets, the Live Nation verdict confirms that state-level antitrust risk assessment must be a fundamental component of deal strategy. State attorneys general have demonstrated a willingness not only to diverge from the DOJ and Federal Trade Commission on remedy, but to litigate cases to a full jury verdict when they conclude that federal enforcement falls short.

Conclusion

The jury's verdict against Live Nation and Ticketmaster marks a significant antitrust result. The court will weigh options ranging from full structural separation to more limited behavioral conditions. With pending Rule 50 and Rule 59 motions, Tunney Act review of the DOJ settlement, and remedy proceedings, and then an all-but-certain appeal, the final resolution of this litigation is unlikely to arrive before 2028.

Even so, the consequences of the verdict will be felt sooner on two critical fronts. First, the states' focus on concert ticketing and venues leaves the door open for a separate wave of litigation centered on sports ticketing. Second, this case underscores that state-level antitrust exposure is a distinct and independent risk — one that is not resolved by federal clearance, is not bounded by statutory waiting periods, and can result in sweeping structural remedies well beyond the scope of any negotiated federal consent decree.

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[1] <https://www.law360.com/articles/2475153/live-nation-shows-states-experts-key-to-antitrust-verdicts>.