

Recoveries for Violations of Federal and California Antitrust Statutes Should Not Be Apportioned

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Federal and state remedies are exclusive and should not be allocated. Three cases unequivocally establish that the states may provide remedies for antitrust violations that are in addition to those provided by federal law, that those remedies cannot be affected by federal law, and that federal law does not limit the remedies provided by state law. Apportioning damages between federal and state claimants would remove a crucial incentive for plaintiffs to bring cases. The only outcome from such a move would be to embolden companies considering collusion and to promote cartel behavior.