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High Court to Decide Whether State-Law Antitrust Claims Are Preempted Under Natural Gas Act

(ONEOK, Inc. v. Learjet, Inc.)

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—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—The U.S. Supreme Court today agreed to review an appeals court decision that exposes natural gas companies to massive state regulation—in the form of state antitrust liability—for conduct that is the exclusive province of a comprehensive federal regulatory scheme. The Court’s grant of certiorari in *ONEOK, Inc. v. Learjet, Inc.* was a victory for the Washington Legal Foundation. WLF filed a brief in the case arguing that a recent decision by the Ninth Circuit threatens to disrupt a uniform federal scheme by allowing attorneys motivated by large jury awards to create potentially 50 different binding state regulatory regimes that would hinder the natural gas industry.

Upon reviewing the Court’s order granting certiorari, WLF issued the following statement by Senior Litigation Counsel Cory Andrews: “The Supreme Court’s decision to review this case is welcome news. If plaintiffs are allowed to manipulate state-law duties as a backdoor way to regulate natural gas practices that affect the interstate wholesale market, the Court’s preemption precedents will be rendered a dead letter.”

WLF is a public interest law firm and policy center that regularly litigates in support of civil justice reform, reining in excessive litigation, and defending federal preemption doctrines.

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