

District Court Rejects Airlines' Motions for Summary Judgment in Domestic Airlines Travel Antitrust Litigation

On September 5, 2023, Judge Kollar-Kotelly denied in full Defendants Delta's and United's Motions for Summary Judgment, which sought dismissal of Class Plaintiffs' claims. Plaintiffs allege that between January 2009 and mid-2015, Defendants conspired in violation of Section 1 of the Sherman Act by agreeing to limit industry capacity growth on domestic flights for the purpose of increasing airfares. Defendants argued that there is no evidence of any parallel capacity behavior that would indicate a conspiracy among the Defendant airlines. The Court concluded that Plaintiffs presented enough evidence demonstrating a pattern of parallel behavior and the existence of one or more plus factors (that tended to exclude the possibility that Defendants acted independently) to survive the motions for summary judgment by Defendants Delta and United, and accordingly, the Court denied both motions.