

States Break from DOJ, Pushing for Broader Relief in Live Nation-Ticketmaster Litigation

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This week, the Department of Justice announced a tentative settlement in its long-running antitrust [lawsuit](#) against Live Nation. The [deal](#)—revealed one week into trial—addresses the company’s allegedly monopolistic conduct and aims to open the live-events ticketing ecosystem to greater competition. But with more than two dozen co-plaintiff states announcing they will not join the deal, the litigation seems far from over.

Under the proposed settlement, Live Nation—the parent company of Ticketmaster—will:

- Divest at least 13 amphitheater booking agreements, reducing its control over a segment of the U.S. concert venue market;
- Provide exclusive and non-exclusive ticketing proposals to all major concert venues (meaning a certain portion of tickets could be sold by entities other than Ticketmaster);
- Permit up to 50% of all tickets to be sold through any ticketing marketplace at amphitheaters that Live Nation owns, operates or controls; and
- Cap its service fees at those amphitheaters at 15%.

Live Nation would also pay up to \$280 million in damages to be split among the states that join the settlement. Reportedly, seven states are currently on board.

A substantial coalition of states, however, has already announced they will continue litigating independently, arguing that the settlement does not sufficiently address Live Nation’s allegedly unlawful market dominance. Specifically, a bipartisan [group](#) of more than two dozen co-plaintiff states, including Arizona, California, Colorado, Connecticut, Illinois, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Rhode Island, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, and the District of Columbia, criticized the federal settlement as inadequate, moved for a mistrial, and vowed to move forward with state claims seeking more structural remedies, including the suit’s requested relief of a divestiture of Ticketmaster.

Additionally, the court, which must ultimately approve the DOJ’s settlement, criticized the parties’ dealmaking process this week. Judge Subramanian said that Live Nation and the DOJ knew before trial that they were close to a deal and contends they should have kept the court informed. He has

ordered the parties to negotiate “at the courthouse” until the end of this week, though Live Nation has [said](#), “there is zero chance” of achieving a settlement with all states by then.

The states’ response to the DOJ settlement proposal illustrates how attorneys general routinely position themselves as front-line enforcers filling perceived federal gaps, using their own statutes and enforcement powers to push for outcomes they believe more robustly protect consumers, markets, and public interests. Across areas ranging from consumer protection to privacy, environmental enforcement, and antitrust, state attorneys general have shown a willingness to pursue aggressive, independent actions—often demanding deeper remedies than federal regulators are prepared to seek.