

AG Watch: Ohio AG Joins State Antitrust Enforcement Trend

By **Albert Lin, Justin Murphy and Devin Redding** (July 23, 2026)

This article is part of a regular column in which each installment features observations on one state's attorney general enforcement news and trends, and the compliance implications.

As Aristotle noted, "nature abhors a vacuum."^[1] That is, when there is empty space, it will quickly be filled by something external.

Since its beginning in January 2025, the current administration has undertaken a reprioritization of its antitrust and competition enforcement agenda. At the same time, rising public interest in antitrust issues has coincided with a more active role for state enforcers, which have increasingly taken the lead in addressing perceived enforcement gaps.

For example, states like California and Colorado have passed or proposed stronger antitrust and procompetition measures.^[2] Other states are increasing spending, allocating resources to their attorneys general's antitrust divisions, and hiring attorneys to investigate and prosecute antitrust-related matters. The conventional wisdom among practitioners is that states have taken a much more active role in antitrust enforcement recently.^[3] Ohio is one such state.

Two cases filed in February evidence Ohio's increased interest in antitrust enforcement. Before his resignation and replacement^[4] by Andy Wilson in June, Ohio Attorney General Dave Yost brought **suit** against nine multistate cannabis operators in *Yost v. Ascend Wellness Holdings Inc.*, alleging that they conspired to limit the availability of independent Ohio cannabis companies' products to Ohio customers.^[5] *State v. Klein* is a state criminal antitrust case — a rarity in antitrust enforcement in Ohio — brought against an online auctioneer for using fake profiles to artificially inflate bids.^[6]

Yost v. Ascend Wellness Holdings

Yost filed suit against nine multistate cannabis companies, alleging that they conspired to violate Ohio antitrust law by forming coordinated cartels to suppress competition in the state's newly legalized cannabis market.^[7]

All but one of the nine companies named in this lawsuit are vertically integrated in Ohio, and grow, process and sell to consumers their own branded cannabis products.^[8] Vertical integration is common in the cannabis industry, largely because cannabis remains illegal under federal law, which forecloses access to interstate commerce as well as conventional distribution and logistics channels.^[9]

As a result, cannabis companies operating in legalized states often adopt vertically integrated models to comply with regulatory requirements and maintain reliable access to retail shelves.



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The lawsuit alleges that the nine multistate operators unlawfully coordinated with one another by agreeing to stock each other's products, sharing confidential and competitively sensitive business information, and using preferential pricing and promotions to secure prime shelf space in dispensaries they controlled.[10] Yost claims these practices shut out nonaligned cultivators and processors, reduced consumer choice, and kept marijuana prices artificially high.[11]

Whether these allegations reflect concerted anticompetitive conduct — as opposed to parallel behavior or efficiency-driven collaboration common in regulated industries — may ultimately turn on the Ohio attorney general's ability to distinguish unlawful agreement from the independent business decisions of firms operating under uniform regulatory constraints in a still developing market.

If successful, the case could alter how vertically integrated cannabis operators structure supply relationships in Ohio and invite closer scrutiny of similar arrangements in other regulated cannabis markets. More broadly, it suggests that state antitrust laws may play a larger role in regulating competition in newly legalized or tightly regulated markets where federal enforcement is limited.

On May 15, the defendants in Ascend Wellness Holdings Inc. filed an omnibus motion to dismiss,[12] and several filed individual motions to dismiss.[13] The court has not ruled on these motions.

State v. Klein

In February, the Ohio Attorney General's office announced that it had indicted Lindsay Klein, alleging criminal violations of Ohio's Valentine Act.[14] The defendant — a Columbus business operator — was charged with allegedly rigging bids, in addition to related fraud charges, in online auctions. The defendant is alleged to have used fake identities to place bids on 760 auction items, falsely creating the impression that the items were in greater demand than they were.

The scheme — known as "shill bidding" — is alleged to have illegally inflated auction closing prices.[15] It is rare for states to bring criminal antitrust enforcement matters, but as discussed below, it may be an indicator of increased state-level criminal antitrust enforcement investigations and charged cases.

This would be consistent with the recent amendment to criminal penalties available under California's Cartwright Act,[16] provisions allowing criminal enforcement under Colorado's Antitrust Act of 2023,[17] proposed state laws, and investments in state enforcement capabilities.

California's Recent Antitrust Amendments

California's actions over the past four years further evidence that states are becoming more active in antitrust enforcement. In 2022, the California Legislature authorized the Law Revision Commission to examine potential reforms to the state's antitrust laws,[18] including prohibiting monopolization by single firms, revisiting antitrust standards for technology companies, and requiring approval of mergers and acquisitions.[19]

The Cartwright Act was amended in 2025 through two major reforms. A.B. 325 targets the use of common pricing algorithms in anticompetitive agreements and introduces potential criminal liability for coercive conduct.[20] S.B. 763 complements these reforms by providing

for new civil penalties of up to \$1 million in actions brought by the attorney general or district attorneys, raising the maximum corporate penalty to \$6 million, and increasing the individual criminal penalty to \$1 million, along with imprisonment for up to three years.[21]

These changes reflect the growing willingness among states to modernize antitrust tools to address emerging forms of coordination and market power.

Takeaways

Because of the recent shifts in the federal government's role in antitrust enforcement, state attorneys general may become more aggressive and independent in their antitrust enforcement efforts. In civil matters, this includes state attorney general offices increasingly retaining outside counsel — including sophisticated plaintiffs firms — to litigate antitrust actions.

For example, in their action against Live Nation in 2024 in the U.S. District Court for the Southern District of New York,[22] states retained private counsel to lead their case,[23] which ultimately resulted in a jury verdict in favor of the state plaintiffs, including Ohio.[24] This trend could have significant and costly consequences for defendants in antitrust actions, including subsequent lawsuits that often accompany government actions. Plaintiffs could also receive both equitable and monetary relief through statutory damages provisions.[25]

As the states' role in antitrust enforcement increases, practitioners should familiarize themselves with state antitrust laws. While most antitrust and competition attorneys are comfortable with federal law, knowledge of state law is quickly becoming a necessity. Companies should likewise ensure that their compliance programs are designed to address both federal and state antitrust considerations and risks.

Many states' laws mirror the federal Sherman Act, but there are important differences, and these differences are increasing both in number and substance as enforcement evolves.

Conclusion

For Ohio practitioners and companies in particular, it is crucial to become knowledgeable with the Valentine Act, Ohio's analog to the Sherman Act. It is also vital to learn how the Ohio Attorney General's Office approaches antitrust cases since ramping up its antitrust-related enforcement efforts, especially in light of Yost's recent resignation.

The two cases described above will provide critical insight into how the office will proceed in this relatively unprecedented trend.

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[1] Aristotle, Physics, bk. IV.

[2] Alex Wilts, "California Weighs Antitrust Legislation Push," MLex (April 17, 2026), <https://www.mlex.com/mlex/articles/2467000/california-weighs-antitrust-legislation-push>; Puja Patel and Noa Gur-Arie, "Colo. Antitrust Law Signals Growing Scrutiny Among States," Law360 (June 13, 2025), <https://www.law360.com/articles/2353354/colo-antitrust-law-signals-growing-scrutiny-among-states>.

[3] Bonnie Eslinger, "State Antitrust Enforcement on the Upswing, Panelists Agree," Law360 (Feb. 12, 2026), <https://www.law360.com/articles/2441251/state-antitrust-enforcement-on-the-upswing-panelists-agree>.

[4] Adam Conn & Orri Benatar, "Ohio Attorney General Dave Yost Resigns," NBC4i (May 7, 2026), <https://www.nbc4i.com/news/local-news/columbus/ohio-attorney-general-dave-yost-expected-to-resign/>; Morgan Trau, "Ohio Gov. Mike DeWine Selects Public Safety Director as Interim Attorney General," Ohio Capital Journal (May 11, 2026), <https://ohiocapitaljournal.com/2026/05/11/ohio-gov-mike-dewine-selects-public-safety-director-as-interim-attorney-general/>.

[5] State ex rel. Yost v. Ascend Wellness Holdings, Inc., No. 26 CV 001146, Franklin County Court of Common Pleas (Feb. 5, 2026).

[6] State v. Klein, No. 26 CR 000925, Franklin County Court of Common Pleas (Feb. 20, 2026).

[7] Compl., State ex rel. Yost v. Ascend Wellness Holdings, Inc., No. 26 CV 001146, Franklin County Court of Common Pleas (Feb. 5, 2026).

[8] Id. at ¶¶ 13–21.

[9] Id. at ¶¶ 47–48.

[10] Id. at ¶¶ 55–84.

[11] Id. at ¶¶ 85–92.

[12] Defs.' Consolidated Mot. to Dismiss, State ex rel. Yost v. Ascend Wellness Holdings, Inc., No. 26 CV 001146, Franklin County Court of Common Pleas (May 15, 2026).

[13] See, e.g., Jushi Holdings, Inc.'s Mot. to Dismiss, State ex rel. Yost v. Ascend Wellness Holdings, Inc., No. 26 CV 001146, Franklin County Court of Common Pleas (May 15, 2026); Individual Def. Trulieve Cannabis Corp.'s Motion to Dismiss, State ex rel. Yost v. Ascend Wellness Holdings, Inc., No. 26 CV 001146, Franklin County Court of Common Pleas (May 15, 2026).

[14] "Columbus Woman Indicted in Bid Rigging Scheme," Yost News Release (Feb. 24, 2026), <https://www.ohioattorneygeneral.gov/Media/News-Releases/February-2026/Columbus-Woman-Indicted-in-Bid-Rigging-Scheme>; see also Indictment for Violations

of Ohio Revised Code Sections 1331.04, 4707.151, 2913.49, and 2913.05, *State v. Klein*, No. 26 CR 000925, Franklin County Court of Common Pleas (Feb. 20, 2026).

[15] "Columbus Woman Indicted in Bid Rigging Scheme," *supra* note 19.

[16] See Cal. Bus. & Prof. Code § 16755.

[17] See Colo. Rev. Stat. § 6-4-118.

[18] "Summary of California Law Revision Commission — Study B-750 (Antitrust)," Cal. Laws. Ass'n, <https://calawyers.org/section/antitrust-and-consumer-protection/california-law-revision-commission/> (last visited June 22, 2026).

[19] *Id.*

[20] A.B. 325, 2025 Cal. State Assemb., Reg. Sess. (Cal. 2025).

[21] S.B. 763, 2025 Cal. State S., Reg. Sess. (Cal. 2025); Cal. Bus. & Prof. Code § 16755(a).

[22] *U.S. v. Live Nation Ent., Inc.*, No. 1:24-cv-03973 (S.D.N.Y. May 23, 2024).

[23] Stewart Bishop, "Jury Finds Live Nation Monopolized Concert Ticketing," *Law360* (Apr. 15, 2026), <https://www.law360.com/articles/2464032/jury-finds-live-nation-monopolized-concert-ticketing>.

[24] *Id.*; "AG Yost, Colleagues Accuse Live Nation, Ticketmaster of Illegally Monopolizing Live Entertainment Realm," Yost News Release (May 23, 2024), <https://www.ohioattorneygeneral.gov/Media/News-Releases/May-2024/AG-Yost-Colleagues-Accuse-Live-Nation-Ticketmaster>.

[25] See, e.g., R.C. 1331.03; R.C. 1331.08.