

# Ohio Case Reflects States' Aggressive Criminal Antitrust Turn

By **Andre Geverola and Jeenie Kahng** (April 8, 2026)

On Feb. 20, the Ohio Attorney General's Office announced a rare state criminal antitrust prosecution. The Franklin County Court of Common Pleas' indictment in *Ohio v. Lindsay Klein* charged a Columbus resident with a bid-rigging scheme that artificially inflated prices in online auctions.[1]

The charges were brought under the Valentine Act, Ohio's state antitrust law. The Ohio case may signal the start of increased criminal antitrust enforcement by states.

## State Attorneys General Signal Increased Attention to Criminal Antitrust Enforcement

The Ohio case follows increasingly aggressive messaging from state attorneys general on antitrust enforcement. While most states' antitrust laws long have provided for criminal penalties, historically, it has been rare for states to enforce their antitrust laws criminally. In recent years, however, state attorneys general have increasingly turned to criminal enforcement.

For example, in the 2018 case of *New York v. Chierchio and Milohnic*, the New York Attorney General's Office indicted Christopher Chierchio and Anthony Milohnic for violating the Donnelly Act, the state's antitrust law, for allegedly rigging bids on construction projects. The alleged conduct concerned a single luxury building in New York City, although the defendants were acquitted after a weeklong bench trial in the New York County Supreme Court.[2]

In 2022, in *New York v. Berlangero*, also in the New York County Supreme Court, the Manhattan District Attorney's office reached a plea agreement with James Berlangero, a former Metropolitan Transportation Authority manager who was charged with bid-rigging and taking kickbacks for awarding contracts for Metro-North Railroad.[3]

Speaking at the American Bar Association's White Collar Crime Institute in March, Mary Gorman, deputy bureau chief at the New York Attorney General's Office, emphasized that states will increasingly look to exercise their criminal enforcement authority for antitrust offenses. She referred to the New York and Ohio cases, as well as cases in Massachusetts and Minnesota.[4]

While California has not brought a criminal antitrust case for more than 25 years, its antitrust leadership has in recent years begun making clear that it intends to revitalize criminal enforcement under the Cartwright Act, the state's antitrust statute.[5]

Paula Blizzard, California's antitrust chief, noted that the division has increased staffing to hire more investigators and attorneys with criminal experience, and that district attorneys can also enforce the Cartwright Act. In deploying these resources, Blizzard said in March 2025, the California Department of Justice plans to "focus more on crimes that affect [California's] population directly, as opposed to conspiracies that maybe affect the whole nation somewhat equally," including but not limited to state procurement cases.[6]



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State attorneys general are also cooperating to increase enforcement. They have formed a working group focused on criminal antitrust enforcement to coordinate on strategy and share information, and held a joint boot camp on the topic in Chicago last year.[7]

States likely will continue to work with their federal counterparts to refer potential criminal antitrust cases. For example, Thomas York at the Texas Attorney General's Office noted in November 2025 that its office is "working constantly" with the U.S. Department of Justice's Procurement Collusion Strike Force.[8] As the DOJ faces resource and staffing constraints, state attorneys general may be positioned to fill the gap.

### **State Legislative Efforts to Increase Criminal Antitrust Enforcement**

Not to be outdone by their executive branch colleagues, state legislators are also acting aggressively to update their antitrust laws to broaden their reach and increase penalties.

Effective Jan. 1, 2026, California amended the Cartwright Act to increase criminal antitrust penalties from a previous maximum fine of \$1 million for businesses and \$250,000 for individuals to more than \$6 million for businesses and \$1 million for individuals per violation.[9] The change also increases the term of imprisonment for a felony violation to two, three or five years, depending on aggravating or mitigating factors, whereas previously the term was one to three years.

The update also provides that any damages or criminal fines recovered by the state attorney general will be deposited in the attorney general's antitrust account rather than the state's general fund, potentially increasing the amount of funds available for antitrust enforcement.

California is following in the steps of Colorado, where, in 2023, Gov. Jared Polis signed into law an amendment of its previous antitrust statute, the Colorado State Antitrust Act of 1992.

The Colorado State Antitrust Act of 2023 increased the penalty for criminal antitrust violations to \$5 million per violation from the previous \$1 million, and allows for criminal fines even when civil penalties or damages have already been obtained.[10] The act also broadened the attorney general's subpoena power by allowing the office to subpoena witnesses and third parties, not just the target of an investigation.

Similarly, the New York State Legislature is attempting to amend its antitrust laws. Elinor Hoffmann, New York's antitrust chief, has advocated for increasing criminal penalties under the Donnelly Act.[11] Currently, criminal penalties under the Donnelly Act include a maximum of up to \$1 million in criminal fines for corporations and \$100,000 for individuals, as well as imprisonment for up to four years.

Since 2021, New York legislators have repeatedly introduced versions of the 21st Century Antitrust Act, although they have not yet been successful at getting it passed. The 2025 version of the proposed Donnelly Act amendment, S.B. 335, would have increased the maximum criminal fine to \$100 million for corporations and \$1 million for individuals, and also increased the applicable statute of limitations, but it did not pass the New York State Assembly.[12]

## States Continuing Aggressive Civil Antitrust Enforcement

While devoting more attention to criminal enforcement, states continue their active civil antitrust enforcement programs.

State attorneys general have brought lawsuits alleging that the use of algorithmic pricing software led to higher rental prices, as alleged in 2023 in *District of Columbia v. RealPage Inc.*, brought in the Superior Court of the District of Columbia.[13] They have also brought suits against energy companies alleging that antitrust violations led to higher energy costs, as in *Michigan v. BP PLC*, filed by the Michigan attorney general in January in the U.S. District Court for the Western District of Michigan.[14]

State attorneys general have also increased their scrutiny of mergers and acquisitions.[15] And they are showing an increasing willingness to diverge from federal enforcement. For example, in *U.S. v. Live Nation Entertainment Inc.*, more than two dozen states have opted to move forward with an antitrust trial against Live Nation, even though the DOJ reached a settlement with the defendants during the March trial in the U.S. District Court for the Southern District of New York.

### Conclusion

While most states' antitrust laws have long provided for criminal penalties, historically, it has been rare for states to enforce criminal antitrust laws. Amid increasingly aggressive and independent state antitrust enforcement efforts, the *Ohio v. Klein* case may be the tip of the iceberg of increasing state criminal antitrust enforcement.

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[1] Indictment, *State of Ohio v. Lindsay Klein* (Ct. of C.P. Franklin Cnty, Ohio, Feb. 20, 2026), available at [https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/FILED-Indictment\\_Redacted.aspx](https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/FILED-Indictment_Redacted.aspx).

[2] Indictment, *People of the State of New York v. Christopher Chielchio et al.*, No. 769-2018 (N.Y. Sup. Ct., March 27, 2018), available at [https://ag.ny.gov/sites/default/files/bid\\_rigging\\_indictment.pdf](https://ag.ny.gov/sites/default/files/bid_rigging_indictment.pdf).

[3] D.A. Bragg: Metro-North Contract Manager Sentenced to State Prison for Bid-Rigging Scheme, Manhattan District Attorney's Office (Sept. 13, 2022), available at <https://manhattanda.org/d-a-bragg-metro-north-contract-manager/>.

[4] Andre Geverola, Leah Motzkin, Pardon Me: The "State[s]" of Criminal Antitrust Enforcement, Arnold & Porter Enforcement Edge (March 11, 2026), available

at <https://www.arnoldporter.com/en/perspectives/blogs/enforcement-edge/2026/03/states-of-criminal-antitrust-enforcement>.

[5] Andre Geverola, Kerry K. Walsh, Division of Labor: Recent Trends in Criminal Antitrust Enforcement, Arnold & Porter Enforcement Edge (March 6, 2024), available at [https://www.arnoldporter.com/en/perspectives/blogs/enforcement-edge/2024/03/division-of-labor\\_trends-in-criminal-antitrust-enforcement](https://www.arnoldporter.com/en/perspectives/blogs/enforcement-edge/2024/03/division-of-labor_trends-in-criminal-antitrust-enforcement).

[6] Alex Wilts, California Antitrust Head Expects More "Individualized" State Approaches on Criminal Cases, MLex (March 11, 2025), available at <https://www.mlex.com/mlex/antitrust/articles/2309339/california-antitrust-head-expects-more-individualized-state-approaches-on-criminal-cases>.

[7] See n.5, supra.

[8] <https://www.mlex.com/mlex/articles/2408513/ohio-ag-grappling-with-criminal-antitrust-enforcement-official-says>.

[9] A new bill was introduced (Assembly Bill 1776) in February 2026. The bill currently only changes the definition of "trust" in the Cartwright Act to include single firms, but other changes may be amended into the bill in the coming weeks, including additional avenues for criminal enforcement.

[10] The maximum civil penalties are \$1 million per violation, effectively increasing the maximum penalty for an antitrust violation to \$6 million, plus damages.

[11] Chris May, Clayton Vickers, Ohio AG 'Grappling' with Criminal Antitrust Enforcement, Official Says, MLex (Nov. 6, 2025), <https://www.mlex.com/mlex/articles/2408513/ohio-ag-grappling-with-criminal-antitrust-enforcement-official-says>.

[12] C. Scott Lent et al., Coast to Coast: California and New York Push to Expand State Antitrust Laws, Arnold & Porter Advisory (Feb. 27, 2025), available at <https://www.arnoldporter.com/en/perspectives/advisories/2025/02/ca-and-ny-push-to-expand-state-antitrust-laws>.

[13] C. Scott Lent et al., Algorithmic Pricing Bans Go Coast to Coast, Arnold & Porter Advisory (Oct. 28, 2025), available at <https://www.arnoldporter.com/en/perspectives/advisories/2025/10/algorithmic-pricing-bans-go-coast-to-coast>.

[14] Attorney General Nessel Files Lawsuit Against Fossil Fuel Defendants for Violations of Antitrust Laws, Michigan Dept. of Attorney General (Jan. 23, 2026), available at <https://www.michigan.gov/ag/news/press-releases/2026/01/23/attorney-general-nessel-files-lawsuit-against-fossil-fuel-defendants>.

[15] Summer Perez, Matthew Tabas, States Move to Take More Active Role in Merger Settlements, Arnold & Porter Enforcement Edge (October 22, 2025), available at <https://www.arnoldporter.com/en/perspectives/blogs/enforcement-edge/2025/10/states-move-to-take-more-active-role-in-merger-settlements>.