

Troutman Pepper State Attorneys General Monitor — February 29, 2024

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State attorneys general increasingly impact businesses in all industries. Our nationally recognized state AG team has been trusted by clients for [20 years](#) to navigate their most complicated state AG investigations and enforcement actions.

State Attorneys General Monitor analyzes regulatory actions by state AGs and other state administrative agencies throughout the nation. Contributors to this newsletter and related [blog](#) include attorneys experienced in regulatory enforcement, litigation, and compliance.

Contact our State AG Team at StateAG@troutman.com.

FTC AND A COALITION OF NINE AGS SUE TO BLOCK KROGER'S PROPOSED \$24.6B ACQUISITION OF ALBERTSONS

By Drew Mann, Tim Bado, and [McKayla Riter](#)

The Federal Trade Commission (FTC) and a coalition of nine state attorneys general (AG) filed a lawsuit on February 26, in the U.S. District Court for the District of Oregon seeking a preliminary injunction to stall Kroger Company's (Kroger) proposed \$24.6 billion acquisition of Albertsons Companies (Albertsons), citing concerns that the proposed deal would eliminate competition among the supermarket giants, leading to higher grocery prices for millions of Americans. FTC commissioners voted unanimously to authorize the lawsuit, which was joined by AGs from Arizona, California, the District of Columbia, Illinois, Maryland, Nevada, New Mexico, Oregon, and Wyoming. Simultaneously, the FTC filed an administrative [complaint](#) against Kroger and Albertsons to block the proposed transaction.

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FEDERAL COURT HALTS NCAA'S RESTRICTIONS ON NIL RECRUITING: A GAME CHANGER?

By [Michael Lowe](#), [Callan Stein](#), [Christopher Brolley](#), and [Brett Broczkowski](#)

On February 23, U.S. District Judge Clifton L. Corker of the Eastern District of Tennessee granted a preliminary

injunction requested by the Tennessee and Virginia attorneys generals (AG) against the NCAA's "NIL-recruiting ban." This ban prohibits boosters and collectives from discussing name, image, and likeness (NIL) opportunities with student-athletes before they commit to a school. The court found that the AGs had established both a likelihood of success on the merits and irreparable harm that would occur without the injunction. This decision could have significant implications for the landscape of college sports.

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CALIFORNIA BILL AIMS TO INCREASE OVERSIGHT OVER HEALTH CARE ACQUISITIONS

By [Troutman Pepper State Attorneys General Team](#)

California Attorney General (AG) Rob Bonta and Assembly Speaker Pro Tempore Jim Wood have introduced [new legislation](#) addressing private equity health care deals. The bill, A.B. 3129, would grant the AG oversight over private equity and hedge fund acquisitions of health care facilities.

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NORTH CAROLINA COURT RULES PREDECESSOR COMPANY LIABLE IF AG'S ENVIRONMENTAL LAWSUIT SUCCEEDS

By [Troutman Pepper State Attorneys General Team](#)

In February 2018, Ohio became the first state to sue DuPont alleging that the company had released perfluorooctanoic acid (PFOA) into the environment.^[1] Since then, multiple state attorneys general (AG) have continued to weigh in on DuPont's alleged role in contaminating the environment with per- and poly-fluoroalkyl substances (PFAS), including recent lawsuits filed by Tennessee^[2] and North Carolina.

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MASSACHUSETTS AG SUES OVER ALLEGEDLY MISHANDLED ASBESTOS DEBRIS FROM DECOMMISSIONED POWER STATION

By [Troutman Pepper State Attorneys General Team](#)

On February 14, Massachusetts Attorney General (AG) Andrea Joy Campbell filed a civil lawsuit against Holtec Decommissioning International LLC and its affiliate Holtec Pilgrim LLC (Holtec), alleging the improper handling of asbestos-containing demolition debris in violation of the Commonwealth's Public Health Law. The Commonwealth is seeking civil penalties of \$25,000 for each day of violation, as well as a permanent injunction that would require Holtec to comply with the state's Air Act and the air regulations that are promulgated under the state's Public Health Law. Shortly after the filing, the parties announced that they are working toward a settlement that could require Holtec to pay somewhere between \$200,000 to \$500,000.

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NEVADA AG FORD EMPHASIZES CONSUMER EDUCATION AS AGA CHAIR

By [Troutman Pepper State Attorneys General Team](#)

Announced as the 2024 Chairman of the Attorney General Alliance (AGA), Nevada Attorney General Aaron D. Ford has announced an initiative to help consumers navigate today's consumer landscape. Titled "Empowering Consumers through Education," this strategy seeks to address consumer challenges through a multipronged approach.

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Stephanie Kozol, Senior Government Relations Manager – State Attorneys General, also contributed to this newsletter.

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