



**Office of the New York State
Attorney General**

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July 22, 2026

Via ECF

The Honorable Arun Subramanian
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street, Courtroom 15A
New York, NY 10007-1312

Re: *United States et al. v. Live Nation Entertainment, Inc. et al.*; 1:24-cv-03973-AS-SLC

Dear Judge Subramanian:

The Plaintiff States respectfully submit the July 13, 2026, decision of the United States Circuit Court of Appeals for the Second Circuit in *Cumulus Media New Holdings, Inc. v. The Nielsen Co. (US), LLC*, ___ 4th ___, No. 26-88, 2026 WL 2014972 (2d Cir. July 13, 2026) as supplemental authority in support of Plaintiffs' oppositions to Defendants' pending motions for judgment as a matter of law (ECF No. 1499) and for a new trial (ECF No. 1501). Applying substantially the same tying claim elements on which this Court instructed the jury at trial, the Second Circuit affirmed the District Court's finding at the preliminary injunction stage that the defendant's enforcement of a policy selling its nationwide data only if a customer purchased applicable local data (or paid an exorbitant price for the national data) constituted an illegal tie. *Id.* at *8–9. In reaching its conclusion, the Second Circuit held that a policy conditioning the purchase of one product on the purchase of another need not be express and that ongoing enforcement of the policy is sufficient to constitute coercion. *Id.* at *9–11.

Respectfully Submitted,

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