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BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

MDL No. 1:24-P-86

IN RE: ANTITRUST LITIGATION  
INVOLVING AXON ENTERPRISE,  
INC.

**BRIEF IN SUPPORT OF MOTION  
TO CONSOLIDATE AND  
TRANSFER CASES FOR  
COORDINATED OR  
CONSOLIDATED PRETRIAL  
PROCEEDINGS TO THE  
DISTRICT OF NEW JERSEY  
PURSUANT TO 28 U.S.C. § 1407**

1       **I. Introduction**

2           1. This Motion seeks to consolidate and transfer the above-listed actions (the  
3 "Actions") to a single district for coordinated or consolidated pretrial proceedings.  
4 The Actions involve overlapping claims of antitrust violations by Axon  
5 Enterprise, Inc. ("Axon") related to its acquisition of VieVu, its alleged monopoly  
6 in the markets for body-worn camera ("BWC") systems and digital evidence  
7 management systems ("DEMS"), and its contractual practices that stifle  
8 competition and harm consumers.

9           2. Consolidation and transfer are warranted because the Actions involve  
10 common factual questions and legal issues, and their coordination will serve the  
11 convenience of parties and witnesses, promote judicial efficiency, and avoid  
12 duplicative discovery and inconsistent rulings.

13       **II. Legal Standard**

14           3. Under 28 U.S.C. § 1407(a), the Panel may transfer actions for coordinated  
15 or consolidated pretrial proceedings when:

- 16           a. The actions involve one or more common questions of fact;  
17           b. Transfer will serve the convenience of parties and witnesses; and  
18           c. Transfer will promote the just and efficient conduct of the actions.

19       **III. Argument**

20       **A. The Actions Involve Common Questions of Fact**

- 21           4. Both Actions allege:
- 22           a. Axon's acquisition of VieVu eliminated its largest competitor in the  
23 BWC systems market, resulting in a substantial lessening of  
24 competition in violation of Section 7 of the Clayton Act.
- 25           b. Axon's contractual practices—including bundling, exclusivity  
26 agreements, and tying arrangements—foreclosed competition and  
27 created high switching costs for law enforcement agencies.
- 28           c. Axon's conduct caused harm to competition by creating adverse

1 market effects, suppressing innovation, and limiting customer choice  
2 in the BWC systems and DEMS markets.

3 *B. Transfer Will Serve the Convenience of Parties and Witnesses*

4 5. Centralizing the Actions in one district will reduce the burden on parties,  
5 witnesses, and counsel. Both Actions will likely involve extensive document  
6 discovery, including overlapping evidence regarding Axon's acquisition  
7 strategies, pricing practices, and market behavior. Key witnesses, including  
8 Axon's executives and employees, will be required to testify in both Actions,  
9 making consolidation critical to avoiding duplicative depositions and travel  
10 expenses.

11 *C. Transfer Will Promote Judicial Efficiency and Avoid Duplicative Proceedings*

12 6. Without consolidation, the Actions will proceed separately in the District  
13 of Arizona and the District of New Jersey, resulting in duplicative discovery and  
14 potential inconsistencies in rulings on overlapping issues. Centralized pretrial  
15 proceedings will ensure consistent management of discovery, pretrial motions,  
16 and class certification issues, thereby conserving judicial resources.

17 *D. Causes of Action to Be Transferred*

18 7. Movant requests that the following causes of action from the First  
19 Amended Complaint in *GovernmentGPT Incorporated v. Axon Enterprise, Inc., et*  
20 *al.*, Case No. 2:24-cv-01869-SMB, pending in the United States District Court for  
21 the District of Arizona, be transferred to the District of New Jersey for  
22 coordinated pretrial proceedings:

23 **Cause of Action #2**

24 Violation of Section 7 of the Clayton Act, 15 U.S.C. § 18:

25 8. Alleging that Axon's acquisition of VieVu substantially lessened  
26 competition and tended to create a monopoly in the BWC systems and DEMS  
27 markets.

28 9. This cause of action alleges Axon's acquisition of VieVu substantially

1 lessened competition and tended to create a monopoly. This claim directly  
2 overlaps with the factual and legal issues already under consideration in the New  
3 Jersey case, where antitrust concerns related to Axon's market consolidation  
4 practices are central. Transferring this claim ensures consistency in evaluating the  
5 competitive impact of Axon's acquisitions.

6 **Cause of Action #3**

7 Conspiracy to Restrain Trade in Violation of Section 1 of the Sherman Act, 15  
8 U.S.C. § 1:

9 10. Alleging that Axon conspired with other entities to unreasonably restrain  
10 trade in the BWC systems and DEMS markets.

11 11. This claim alleges that Axon conspired with other entities to unreasonably  
12 restrain trade in the BWC systems and DEMS markets. Given the interconnected  
13 nature of Axon's contractual and collaborative practices across jurisdictions,  
14 transferring this claim avoids duplicative discovery and ensures a unified analysis  
15 of Axon's alleged conspiratorial conduct.

16 **Cause of Action #4**

17 Violation of Section 2 of the Sherman Act, 15 U.S.C. § 2 – Monopolization:

18 12. Alleging that Axon engaged in anticompetitive conduct to maintain its  
19 monopoly in the BWC systems and DEMS markets.

20 13. The monopolization claim focuses on Axon's maintenance of its dominant  
21 position through exclusionary conduct. Because this issue involves analyzing  
22 Axon's market power and anti-competitive strategies—already a focus in the New  
23 Jersey case—transferring this cause of action promotes judicial efficiency and  
24 avoids conflicting rulings on monopolization claims.

25 **Cause of Action #5**

26 Violation of Section 2 of the Sherman Act, 15 U.S.C. § 2 – Attempted  
27 Monopolization:

28 14. Alleging that Axon attempted to monopolize the RTCC markets through

1 exclusionary conduct.

2 15. The Attempted Monopolization claim in Arizona involves Axon's broader  
3 market strategies, many of which overlap with its conduct in the BWC systems  
4 and DEMS markets under scrutiny in New Jersey. Even though the RTCC market  
5 is distinct, the tactics Axon employed to allegedly dominate that market (e.g.,  
6 exclusionary contracts, bundling, and leveraging market power) may share  
7 similarities with its practices in the BWC and DEMS markets. Consolidating this  
8 claim ensures that discovery on Axon's business practices, communications, and  
9 strategies is coordinated, preventing duplicative efforts.

10 16. The transferee court will already be managing complex antitrust issues  
11 related to Axon's alleged monopolistic conduct in related markets. Allowing the  
12 same court to handle pretrial proceedings for the attempted monopolization claim  
13 avoids the need for multiple courts to familiarize themselves with Axon's overall  
14 market behavior.

15 17. The transferee court can better ensure consistency in rulings on pretrial  
16 motions, discovery disputes, and legal interpretations of Section 2 of the Sherman  
17 Act across related claims.

18 18. Moreover, key witnesses and evidence related to Axon's business practices  
19 and competitive strategies are likely relevant to both the RTCC claim and the  
20 BWC/DEMS claims. Centralizing pretrial proceedings in one district reduces the  
21 burden on witnesses, parties, and counsel by avoiding repeated depositions and  
22 document productions. Antitrust claims often require expert testimony on market  
23 definition, competitive effects, and barriers to entry. Transferring the attempted  
24 monopolization claim allows a single court to oversee expert reports and  
25 analyses, ensuring consistency across overlapping issues such as Axon's market  
26 power and exclusionary conduct.

27 **Cause of Action #6**

28 Violation of Section 2 of the Sherman Act, 15 U.S.C. § 2 – Conspiracy to

1 Monopolize:

2 Alleging that Axon conspired with other entities to monopolize the BWC systems  
3 and DEMS markets.

4 19. These causes of action involve factual and legal issues that overlap  
5 significantly with those in the related action pending in the District of New  
6 Jersey. Centralizing these claims in a single district will streamline pretrial  
7 proceedings, reduce duplicative efforts, and ensure consistency in judicial rulings.

8 20. This cause of action alleges Axon conspired with other entities to  
9 monopolize the BWC systems and DEMS markets. The allegations of conspiracy  
10 rely on evaluating agreements and strategies that overlap with those in the New  
11 Jersey case. Transferring this claim facilitates a comprehensive and unified  
12 approach to addressing the alleged monopolistic conspiracy.

13 *E. Proposed Transferee District*

14 21. Movant respectfully submits that the District of New Jersey is the most  
15 appropriate transferee district for the following reasons:

16 **Centrality to the Litigation:**

17 22. The Township of Howell case in the District of New Jersey was the  
18 first-filed action and has advanced further procedurally, providing the court with  
19 an established understanding of the antitrust issues involved.

20 23. The District of New Jersey is geographically well-positioned to  
21 accommodate the needs of parties and witnesses located on the East Coast,  
22 particularly those associated with law enforcement agencies and related  
23 stakeholders.

24 **Judicial Expertise and Resources:**

25 24. The Honorable Robert Kirsch, presiding over the New Jersey action, is  
26 already familiar with the underlying factual and legal issues, ensuring efficiency  
27 and consistency in pretrial management. The District of New Jersey has the  
28 resources and docket capacity to manage multidistrict litigation efficiently.

1 **Proximity to Key Parties and Evidence:**

2 25. Many of the witnesses including the law enforcement agencies impacted  
3 by Axon's practices are located in or near New Jersey, making it a logical and  
4 convenient forum for centralized proceedings. Evidence, including relevant  
5 contracts and communications, is likely distributed among agencies and Axon's  
6 regional activities in this area.

7 **Convenience for Plaintiff:**

8 26. GovernmentGPT Incorporated, as the sole plaintiff, will benefit from  
9 reduced logistical burdens by consolidating the cases in New Jersey. The  
10 centralized location ensures proximity to key evidence and witnesses.

11 **IV. CONCLUSION**

12 27. For the foregoing reasons, Movant respectfully requests that the Panel  
13 consolidate and transfer the above-listed Actions to the District of New Jersey for  
14 coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407.

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16 Respectfully submitted this Monday December 23, 2024.

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