GIBSON DUNN

Gibson Dunn Lawyers Write About Defeat of California's BASED Act for Daily Journal

Article | May 13, 2026

Daily Journal

Writing for the Daily Journal [PDF], partners Julian Kleinbrodt and Rachel Brass and associates Sarah Roberts and Kunal Jhaveri discuss the defeat of the BASED Act in the California Senate. The act was part of the state's efforts to stop dominant tech platforms from favoring their own products. They argue that legislative proposals such as the BASED Act and the COMPETE Act (currently in the California Assembly) threaten to "balkanize" antitrust enforcement.

"Over the past several decades, federal antitrust law crystallized many predictable rules grounded in economics," they write. "Courts generally adopted those standards for parallel state laws too. If bills like the BASED and COMPETE Acts are successful, however, courts will be asked to apply untested standards to a host of novel claims, while businesses large and small are forced to navigate a patchwork of obligations."

Related Capabilities

Antitrust and Competition

Related People

Julian W. Kleinbrodt

Rachel S. Brass

Sarah Roberts

Kunal Jhaveri

© 2026 Gibson, Dunn & Crutcher LLP. All rights reserved. For contact and other information, please visit us at www.gibsondunn.com. | **www.gibsondunn.com**