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# Gibson Dunn Wins Major Eleventh Circuit Case for Delta Air Lines

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In a groundbreaking decision, the Eleventh Circuit Court of Appeals has vacated a U.S. Department of Transportation (DOT) order that had terminated approval of a joint venture between Gibson Dunn client Delta Air Lines and Aeromexico.

Airline joint ventures are ubiquitous in today's air travel market. Because companies generally cannot own airlines in other countries, and airlines typically cannot operate domestic flights in another country, airlines enter alliances and joint ventures to enable greater connectivity between airports in different countries. DOT is empowered to approve the joint ventures and immunize them from antitrust laws.

Gibson Dunn client Delta Air Lines operates a near decade-old joint venture with Aeromexico in the U.S.-Mexico air services market. DOT approved the joint venture in 2016, deeming it pro-competitive after comprehensively analyzing its effect on over 1,687 "city pairs" connecting airports across the two countries. In the years since, the joint venture has helped consumers and competition by facilitating greater connectivity and flight options between the U.S. and Mexico. But in 2025, DOT terminated approval of the joint venture, ostensibly based on the Government of Mexico's actions at a single airport in Mexico City. According to DOT, the Government of Mexico was erecting anticompetitive barriers at that single airport. DOT did not analyze any other airports within the transborder market, as it had done in 2016—or as it had done for every other joint venture it has considered. Nor did it explain how those supposed barriers at the Mexico City airport warranted terminating approval of the joint venture when more extensive barriers exist at other international airports served by other DOT-approved joint ventures.

Gibson Dunn promptly filed suit on behalf of Delta and successfully moved for an emergency stay of DOT's order late last year. Now, after briefing and oral argument, the Eleventh Circuit has unanimously vacated the DOT order. The court adopted both of Gibson Dunn's primary arguments: that DOT failed to undertake the comprehensive analysis it has always undertaken, and that DOT treated the Delta-Aeromexico joint venture worse than similarly situated joint ventures operating in airports with more stringent barriers.

The Gibson Dunn team included partners Eugene Scalia (argued) and Amir Tayrani, of counsel Christine Buzzard, and associates Michael Corcoran, Lavi Ben Dor, and Tamara Skinner. The case is *Delta Air Lines v. Department of Transportation*, No. 25-13546 (11th Cir.).

### Related Capabilities

Appellate and Constitutional Law

### Related People

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