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Marijuana Vape Antitrust Actions Consolidated In Calif.

By **Lauren Berg**

Law360 (October 7, 2025, 8:04 PM EDT) -- Five proposed antitrust class actions brought by buyers of CCell brand cannabis vape accusing the Chinese manufacturers and U.S. distributors of organizing a price-fixing scheme will be consolidated in California federal court, the U.S. Judicial Panel on Multidistrict Litigation has determined.

In an Oct. 1 **transfer order**, the panel found all the actions involve common questions from allegations that the defendants — manufacturers Shenzhen Smoore Technology Co. Ltd. and Smoore International Holdings, and distributors 3Win Corp., Jupiter Research LLC, Canna Brand Solutions and Greenlane Holdings Inc. — schemed to raise the price of closed cannabis oil vape systems.

The plaintiffs all claim the defendants agreed to create a minimum price floor for the vape products and prevent the purchase of competitors' products, while sharing price and customer information with each other, the order states. Four of the suits are brought by proposed classes of indirect purchasers, and the fifth is a consolidated action brought by **direct purchasers**.

"Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings, particularly as to class certification; and conserve the resources of the parties, their counsel, and the judiciary," the panel said.

And the most appropriate place to consolidate the cases is in the Northern District of California, "where the first filed and most advanced actions" are currently before U.S. District Judge Vince Chhabria, according to the order.

The panel noted Judge Chhabria has already consolidated the three direct purchaser actions before him and related an indirect purchaser action to the litigation, where there are fully briefed motions to dismiss pending.

"We are confident Judge Chhabria will steer this litigation on a prudent and expeditious course," the panel said.

Counsel for the Smoore companies declined to comment Tuesday. Counsel for the other parties did not immediately respond to requests for comment.

Consumers, who are identified in the litigation only by their initials, are **currently fighting** bids **to dismiss** their consolidated case, arguing the defendants' interpretation of antitrust law creates a legal loophole.

The Smoore companies and other defendants argued that if they really wanted to overcharge consumers for the popular vapes, they would simply cut off the domestic distributors and continue to sell directly to consumers; therefore the scheme that the litigation alleges doesn't make sense, they said.

But the consumers rejected the Smoore companies' presentation of how the market actually works. They argued in opposition motions

that the manufacturers' argument, if accepted, would create a world where it is legal for manufacturers to orchestrate price fixing so long as they also act as a distributor.

"According to defendants, there should be no consumer product antitrust law whatsoever, because nothing — not price fixing, not market division, not boycotts — could be more anticompetitive than a manufacturer terminating all of its distributors and retailers and unilaterally hiking its prices dramatically on its own," the consumers said. "This, of course, is not the law."

Judge Chhabria in August stayed the case in anticipation of the JPML's consolidation decision, according to the docket.

The consumer indirect plaintiffs are represented by James L. Ferraro and James L. Ferraro Jr. of the Ferraro Law Firm PA, Jason R. Sultzer and Scott E. Silberfein of Sultzer & Lipari PLLC, Jeffrey K. Brown of Leeds Brown Law PC, and Steven N. Williams.

Consumer plaintiff B.Z. is represented by Nick Suciu III and Russell Busch of Bryson Harris Suciu & DeMay PLLC.

Consumer plaintiff Martin Rukeyser is represented by Jonathan M. Streisfeld and Jeff Ostrow of Kopelowitz Ostrow PA.

Consumer plaintiff M.M. is represented by Miles N. Clark.

Direct purchasers Earth's Healing and Redbud Roots are represented by Christopher L. Lebsock, J.R. Hamilton and Nathaniel C. Giddings of Hausfeld LLP, and Joshua H. Grabar of Grabar Law Office.

Direct purchaser Summit Industrial Solutions is represented by Bailey Twyman-Metzger, Daniel C. Hedlund, Dennis Stewart and Michelle J. Looby of Gustafson Gluek PLLC.

The Smoore companies are represented by Kevin Y. Teruya, Lynette Lim, William R. Sears and Yixuan Zhu of Quinn Emanuel Urquhart & Sullivan LLP.

The distributors are represented by Diane Hazel, Jaikaran Singh and Timothy Patterson of Foley & Lardner LLP.

The consolidated case is In re: CCell Closed Cannabis Oil Vaporization Systems and Components Products Litigation, case number 3:25-md-03161, in the U.S. District Court for the Northern District of California.

--Additional reporting by Sam Reisman and Jonathan Capriel. Editing by Lakshna Mehta.