
Uncommon Merger Challenges

Date: 12/19/17

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Surprising some observers, the new leadership at the Antitrust Division of the Department of Justice has brought a couple of noteworthy merger cases over the last few months. The much-discussed lawsuit to block AT&T from acquiring Time Warner stands out as a renewed approach to fixing perceived anti-competitive effects in vertical mergers. And, in a somewhat less publicized case, the division sought to unwind a transaction involving air fuel filtration long after the conclusion of the waiting period for pre-merger anti-trust review. Neither case lacks doctrinal support or precedent, but together they seem to mark a bold approach to merger enforcement.

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