

Investment Funds Fined For Violating HSR Act

Date: 12/17/08

Two related investments funds have agreed to pay a total of \$800,000 in fines to settle charges by the Federal Trade Commission ("FTC") that they failed to comply with the HSR Act's (1) reporting obligations. The FTC enforcement action, *United States v. ESL Partners, L.P and ZAM Holdings, L.P.*, (2) serves as a reminder that substantial fines may be imposed for failure to comply with pre-merger notification regulations, regardless of the lack of any apparent impact on competition. In addition, this action provides yet another indication of the federal antitrust agencies' continued scrutiny of investment firms such as hedge funds and private equity firms.