

FTC Wins Merger Challenge In District Court

Date: 04/23/09

Source: *The New York Law Journal*. Reprinted with permission.

The proposed combination of two of the three major providers of estimation tools for the automotive repair and insurance industry was blocked by a district court after it ruled that the Federal Trade Commission (FTC) raised questions "so serious, substantial, difficult and doubtful" to warrant an administrative trial on the legality of the merger. The U.S. Court of Appeals for the Ninth Circuit decided that a lower court should not have dismissed claims that numerous bilateral exchange agreements between California oil companies unlawfully restrained trade because the agreements' effects on competition should have been examined in the aggregate rather than individually.