


Virginia State Bar Meeting
Virginia Beach, VA
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1

State Attorney General Activity in Merger Enforcement

- Attorneys General began bringing merger cases in the mid-1980's
- Attorneys General role in merger enforcement formalized in mid-1990's
- Attorneys General now bring cases with the federal enforcement agencies and by themselves.

2

1980's Enforcement Efforts

- Pennsylvania Challenged May/Associated Dry Goods
- California Challenged American Stores/Lucky Stores
- New York Challenged May Company/McCurdy Department Stores
 - All of the above reviewed by the FTC

3

1990's

- States and Federal Agencies cooperate on series of mergers.
 - Federal agencies develop a federal/state merger cooperation protocol
 - States get access to Hart-Scott-Rodino filings if parties agree and states promise confidentiality
 - States develop pre-merger compact and Horizontal Merger Enforcement Guidelines.

4

Cooperation Framework

- Speeds up merger review in most cases
- Allows more efficient use of resources
- Creates better review of local markets
 - CVS/Eckerd
 - Staples/Office Depot
 - Exxon/Mobil

5

Industries where states have been Active

- Grocery, pharmacy, and department stores
- Road materials
- Waste disposal
- Chocolate
- Hospitals

6

Virginia has Joined the Merger Enforcement Trend



7

Sources

- For federal/state merger cooperation protocol: www.ftc.gov
- Type merger cooperation protocol in search box
- For NAAG Horizontal Merger Guidelines: www.NAAG.org
- Click on projects, then antitrust.

8

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9

Thank you

10