

DOJ ANTITRUST DIVISION ACCOMPLISHMENTS UNDER JONATHAN KANTER

HIGHLIGHTS:

KANTER'S DOJ ANTITRUST DIVISION IS ENFORCING THE LAW AT HISTORIC LEVELS, DESPITE BEING UNDER-RESOURCED AND UNDER-STAFFED

- Currently, the antitrust division has the largest number of civil antitrust cases in decades. They are currently litigating six civil cases, the most in 20 years.
- Under Kanter's leadership, the DOJ antitrust division will litigate more merger trials in FY 2022 than any fiscal year on record.
- Along with the FTC, the DOJ antitrust division reviewed around 3,500 transactions in FY 2021, a record.
- Since Kanter took over in Nov. 2021, the DOJ has indicted defendants in 20 criminal cases, more than any time since the 1980s.
- The division also ended FY 2021 with 146 pending grand jury investigations, the most in 30 years.
- Kanter's DOJ antitrust division has been historically productive despite being under-resourced and under-staffed. In 2021, the division had around 650 staffers, compared to the around 1,000 staffers the division had in 1979.

KANTER'S ANTITRUST DIVISION IS RE-WRITING FEDERAL MERGER GUIDELINES AND LAUNCHING OTHER INITIATIVES TO HELP PROTECT AMERICANS FROM ANTI-COMPETITIVE PRACTICES

- Under Kanter, the DOJ antitrust division is working with the FTC to rewrite federal guidelines on mergers, with an eye toward persuading courts to block more deals.
- The DOJ and FTC have held public listening sessions as they work to rewrite merger guidelines, hearing from consumers, workers, entrepreneurs and farmers, among others. The sessions focused on industries and labor markets commonly impacted by mergers, including food and agriculture, health care, media and technology.
- Under Kanter, the DOJ's antitrust division is investigating ways to challenge private equity on monopoly grounds and sounding the alarm on buyout groups acquiring assets that companies have been ordered to divest to avoid competition issues.
- In Feb. 2022, DOJ's antitrust division and the FDA launched an online portal for farmers and ranchers to anonymously report anti-competitive practices in the livestock and poultry sectors.
- In Feb. 2022, DOJ's antitrust division partnered with the FBI to fight inflation by going after companies that take advantage of supply chain disruptions to collude with rivals in order to raise prices.

KANTER'S ANTITRUST DIVISION IS FIGHTING UNCOMPETITIVE DEALS, PROTECTING AMERICANS FROM HIGHER PRICES AND GLOBAL SUPPLY CHAIN ISSUES

- According to Loyola Chicago School of Law Professor Christine Chabot, Kanter's DOJ Antitrust Division's "no guts, no glory" approach to antitrust enforcement will have a deterrent effect, as other potentially merging parties are watching and may adjust their conduct.
- According to University of Washington Law Professor Douglas Ross, the mere threat of DOJ lawsuits can quash mergers because companies can face massive financial, time and reputational costs from being in litigation.
- Kanter: "If bad actors, know that we're not going to be afraid to take on a tough fight against well-resourced opponents, they're going to think twice."
- In August 2022, the DOJ Antitrust Division sunk a merger of two of the four biggest suppliers of refrigerated shipping container companies.
 - The shipping container suppliers, China International Marine Containers and Maersk Container Industry, abandoned their billion dollar merger after a DOJ investigation raised competition concerns.
 - The merger would have consolidated 90% of refrigerated shipping container production worldwide into Chinese state-owned or state-controlled entities.
 - Kanter said the merger would have led to "higher prices, lower quality, and less resiliency in global supply chains."
- In March 2022, the DOJ Antitrust Division helped stop a merger of two shipping giants that would have eliminated competition and raised prices for goods like medicine.
 - The shipping giants, Cargotec and Konecranes, abandoned planned merger after Kanter and the DOJ antitrust division threatened to go to court to block the deal.
 - Kanter said the merger threatened to harm competition in the sale of container handling equipment to U.S. Port customers and terminal operators that move consumer products, medicines and other important goods through the global supply chain.
- In Sept. 2022, the DOJ Antitrust Division sued to block merger between two door lock-makers and help protect privacy and security of Americans.
 - The DOJ lawsuit against the proposed \$4.3 billion acquisition of a division of Spectrum Brands Holdings by Assa Abloy AB, would give Assa Abloy a near monopoly in top-line mechanical door hardware.
 - Kanter: The merger would lead to higher prices and reduced quality for "millions of Americans," who "rely on these companies' door hardware products every day to meet their most basic privacy and security needs."
- In May 2022, the DOJ's Antitrust Division was able to successfully stop a merger of two wall panel companies that would have led to higher costs for small business owners, hospitals.
 - The two wall panel companies, Grupo Verzatec and Crane Composites, abandoned their proposed transaction after the DOJ's antitrust division filed suit.

- The deal would have harmed the market for pebbled fiberglass reinforced plastic (FRP) wall panels, the wall covering of choice for many restaurants, grocery stores, hospitals and convenience stores.
- DOJ's Antitrust Division is still trying to stop the merger of two sugar giants, and keep down the cost of staple foods and beverages.
 - In Nov. 2021, DOJ's Antitrust Division sued to block the merger of United States Sugar and Imperial Sugar, arguing the transaction would leave just two companies, United and Domino, in control of nearly 75% of sugar sales across the southeast U.S.
 - Kanter: "Further consolidation in the market for this important kitchen staple will have real-world consequences for millions of Americans."
 - **Note:** In Sept. 2022, a US Judge ruled in favor of allowing the merger to go through. The DOJ Antitrust Division is appealing the ruling, but lost its attempt to pause the merger from going through before the appeal is heard.
- DOJ's Antitrust Division is trying to save consumers \$700 million/year by stopping American Airlines, JetBlue partnership.
 - In Sept. 2022, the DOJ's Antitrust Division went to trial to kill a partnership between American Airlines and JetBlue Airways. They argued the alliance would allow the carriers to limit capacity and harm fare-reducing competitors, costing consumers \$700 million each year.
 - **Note:** The lawsuit was originally filed in Sept. 2021.
- DOJ's Antitrust Division is holding Google accountable.
 - In Aug. 2022, Bloomberg reported how the DOJ Antitrust Division was preparing to sue Google for illegally dominating the digital advertising market.
 - DOJ also currently has a pending case against Google for illegally dominating the online search market that was originally filed in 2020.
- DOJ's Antitrust Division Backed Students Fighting Universities That Allegedly Colluded To Raise The Price Of College.
 - In July 2022, Kanter's antitrust division backed an antitrust class-action filed by former college students who claim top universities improperly boosted tuition costs by agreeing not to compete over how much financial aid they offer.
 - The lawsuit filed by the students in January alleges that 16 elite colleges, agreed on a calculation for how much a student's family must contribute before they will award financial aid -- an agreement that has raised the price that students pay to attend college.
- DOJ's Antitrust Division Is Fighting For Communities With Minor League Baseball And Minor League Baseball Players.
 - In June 2022, the DOJ's antitrust division asked a federal court to limit the antitrust exemption given to MLB. The filing was in response to a lawsuit by three minor league teams, that, along with 40 others, were eliminated by MLB in a consolidation.

- The MLB's antitrust exemption also prevents minor league players from pursuing opportunities in other leagues and advocacy groups have argued that minor league salaries, which are currently below the poverty line, would increase if teams competed for players.
- DOJ's Antitrust Division Tried to Stop Deal That Will Raise Health Care Costs, But Still Won Key Concession.
 - In Feb. 2022, the DOJ's antitrust division filed a lawsuit aimed at stopping UnitedHealth Group's acquisition of Change Healthcare. The DOJ said the deal would give the largest U.S. health insurer access to its competitors' data and ultimately push up healthcare costs.
 - In Sept. 2022, a US Judge denied DOJ's bid to stop the merger, but as Bloomberg reported, "UnitedHealth Group Inc. agreed to spin off more of Change Healthcare Inc.'s business than originally proposed... after the agency unsuccessfully sued to block that deal."
- DOJ's Antitrust Division Stopped Anti-Competitive Practices By Credit Rating Agency S&P.
 - In May 2022, the Kanter and the DOJ's antitrust division warned S&P Global that a proposed methodology change by S&P could raise barriers for its rivals. The changes could end up hurting the credit grades of insurance companies that invest in bonds that aren't rated by S&P.
 - S&P dropped the proposed changes five days after DOJ's warning.
- DOJ's Antitrust Division Lawsuit Over Booz Allen's Purchase Of Competitor Extracted Important Concessions, Ensured Months Of Competition.
 - In October 2022, Bloomberg reported that DOJ antitrust Division's lawsuit against Booz Allen's \$440 million acquisition of competitor EverWatch slowed the deal for several months, helping to ensure the companies continued to compete on a federal intelligence contract with NSA.
 - Kanter: "The Department's lawsuit... fueled competition for an important national security contract by forcing the parties to prepare bids independently and without certainty of a merger."
 - Bloomberg also reported that DOJ's lawsuit forced Booz Allen to drop a merger agreement clause to seize veto power over EverWatch's bids even before the deal closed.

KANTER'S ANTITRUST DIVISION IS PROTECTING FROM BID-RIGGING AND COLLUSION TAXPAYER DOLLARS AND BUSINESS PEOPLE THAT PLAY BY THE RULES

- DOJ's Antitrust Division Protected Our Military Overseas, Indicted Contractors Rigging Bids For Work On Military Bases In Korea.
 - In March 2022, the DOJ Antitrust Division won indictment of two South Korean contractors charged with rigging bids for work carried out on military bases. The contractors defrauded DOD to obtain millions of dollars in repair and maintenance work.
 - Kanter: "Bid rigging, price fixing and fraud are crimes. We will not stand by as criminals engage in illegal conduct to harm our military [installations] overseas."
- DOJ's Antitrust Division Protected Taxpayer Dollars, Won Guilty Plea And \$1.2 Million Fine From Commercial Carpeting Company And Its CEO.
 - In June 2022, the DOJ's antitrust division won a guilty plea in a case against a commercial carpeting company and its CEO, resulting in a \$1.2 million fine. The company and its CEO

admitted to colluding with competitors to suppress competition and submitting complementary bids so that the designated company would win the contract.

- DOJ's Antitrust Division Protected Taxpayer Dollars, Cracked Down On Corruption In California's Transportation Agency.
 - In April 2022, the DOJ's antitrust division won a guilty plea from a former contract manager for California's transportation agency who agreed to help with prosecutors investigation into a conspiracy to rig the competitive bidding process for improvement and repair contracts.
 - In October 2022, the DOJ's antitrust division won a guilty plea from a construction contractor who had coordinated bids and paid bribes to the former contract manager to help rig the bidding process.
 - Kanter in October 2022: "Today's guilty plea involves crimes affecting industries that receive significant federal funding for infrastructure and transportation... The Antitrust Division and its Procurement Collusion Strike Force are redoubling efforts to enforce the law against bid-rigging and fraud that steals taxpayer dollars."
- DOJ's Antitrust Division Won Conviction Against Engineering Executive For Rigging Bids And Defrauding North Carolina's Department Of Transportation.
 - In Feb. 2022, the DOJ's Antitrust Division won a conviction against a former engineering company executive for fraud and conspiracy related to bid-rigging of hundreds of North Carolina Department of Transportation projects.
 - Kanter said the conviction sent a message that with massive spending in infrastructure projects about to begin, the Justice Department's Antitrust Division is committed to holding "accountable executives who target state and local governments with their bid-rigging and fraud schemes."
- DOJ's Antitrust Division Won Indictment Against Concrete Company And Its CEO For Rigging Bids For Public Contracts
 - In March 2022, the DOJ's Antitrust Division won an indictment charging Kamida Inc concrete repair and construction corporation, and its CEO with participating in a conspiracy to rig bids for public concrete repair and construction contracts in the state of Minnesota, including for public school districts.
 - Kanter: "Bid-rigging schemes that target local government contracts cheat taxpayers out of the benefits of competition."
- DOJ Antitrust Division Won Indictment Of Three Florida Men For Rigging Bids And Defrauding The US Military.
 - In April 2022, the DOJ's Antitrust Division won the indictment of three men who exchanged their companies' bid templates and submitted bids to military customers for each other with a pre-arranged winner to get the sales from the bids.
 - Kanter: "Bid-rigging and fraud schemes targeting the military will not be tolerated – they are an affront to competition and the American taxpayer."
- DOJ Antitrust Division Helped Protect Strategic Petroleum Reserve, Won Guilty Verdict Against Man Who Defrauded United States In Obtaining Contracts For SPR Operation.

- In May 2022, the DOJ's Antitrust Division won a guilty verdict in the case of a man who defrauded the United States by corrupting and impairing the government procurement process in order to obtain contracts for operation of the Strategic Petroleum Reserve.
- Kanter: "The Strategic Petroleum Reserve is one of our nation's vital programs, and collusion that destroys the integrity of the procurement process for government contracts will not be tolerated."
- DOJ Antitrust Division Protected The Military And Taxpayer Dollars, Won Indictment Of Contractor Who Rigged Bids.
 - In May 2022, the DOJ's Antitrust Division won an indictment charging a military contractor for rigging bids for lucrative contracts at military installations across the country.
 - The contractor had received more than \$15 million from the government for work at Red River Army Depot in Texarkana, Texas; the U.S. Army Contracting Command in Warren, Michigan; and the Sierra Army Depot in Herlong, California.
 - Kanter: "Bid rigging undermines the competitive process, wastes taxpayer dollars and deprives businesses that follow the rules of fair competition."
- DOJ Antitrust Division Won Indictment Of Military Contractors Involved In Fraud Scheme For \$7 Million Worth Of Contracts.
 - In June 2022, the US Antitrust Division won indictment of military contractors for a fraud scheme involving government contracts totaling over \$7 million.
 - The contractors were accused of sham quotes that were intentionally higher than the proposal prices to ensure their company won sole-source contracts.
- DOJ Antitrust Division Protected Taxpayer Dollars And Veterans, Won Conviction Of Businessman Who Illegally Obtained More Than \$240 Million In Contracts Meant For Veterans
 - In July 2022, the DOJ's Antitrust Division won the conviction of a businessman who defrauded the federal government by illegally obtaining more than \$240 million in contracts intended for service-disabled veteran-owned small businesses.
 - The businessman and a co-conspirator, who were not veterans, tried to conceal their control of the company that received the contracts by using a veteran a "puppet" majority owner of their company, even though he didn't pay any money for the stake.
 - Kanter: The verdict is a victory for the rule of law... which protects service-disabled veterans from cheaters and schemers."
- DOJ Antitrust Division Protected Taxpayer Dollars, Won Guilty Pleas By Companies That Colluded For Insulation Contracts At Hospitals And Universities.
 - In August 2022, the DOJ's Antitrust Division won guilty pleas from companies that met to determine bids and prices for insulation contracts for various places in Connecticut, including projects at universities and hospitals.
 - The officials involved in the conspiracy shared proposals, estimates and agreed to submit inflated bids to create the appearance of competition, then used apps to conceal their communications.

- Kanter: taxpayer-funded infrastructure projects “deserve to have contracting processes that are fair and competitive.”

KANTER’S ANTITRUST DIVISION IS FIGHTING BACK AGAINST COMPANIES AND EXECUTIVES WHO COLLUDE TO SUPPRESS WORKERS’ WAGES AND MOBILITY

- DOJ Antitrust Division Won Guilty Plea From Health Care Staffing Agency That Agreed Not To Hire Competitor’s Nurses.
 - In October 2022, the DOJ’s Antitrust Division won a guilty plea from a health-care staffing provider accused of agreeing not to hire a competitor’s nurses. The agreement marked DOJ’s its first-ever criminal win in a so-called no-poaching case. The company paid a \$134K fine as part of the plea agreement.
 - The company and its regional manager conspired with a competitor to suppress wages and not hire or recruit nurses staffed by their companies at school facilities in Clark County, Nevada. The nurses the company contracted with provided constant care to students with complex medical needs.
- DOJ Antitrust Division Won Guilty Plea From Health Care Staffing Agency That Agreed Not To Hire Competitor’s Nurses.
 - In Dec. 2021, the US DOJ Antitrust Division won an indictment against five aerospace executives on charges of conspiring to limit workers’ professional advancement and compensation.
 - The conspiracy affected thousands of engineers and other skilled workers in the aerospace industry who design, manufacture and service aircraft components for commercial and military purposes.
 - Kanter: the government uncovered a “widespread scheme to deprive aerospace workers of the ability to plan their own careers and earn competitive pay.”
- DOJ Antitrust Division Fought For Essential Workers, Won Indictment Against Those Who Sought To Suppress Their Wages.
 - In Jan. 2022, the DOJ Antitrust Division won an indictment against four managers of home health care agencies who conspired to suppress essential workers’ wages and prevent competition during the pandemic.
 - The managers made a secret pact to pay home health care workers \$15 or \$16 dollars per hour, despite a higher reimbursement rate by the state meant to increase the workers’ pay to between \$20.52 and \$26.20 during the pandemic.
 - Kanter: Home health care workers “risked their health caring for others at the onset of the COVID-19 pandemic” and these managers “colluded to deprive them of opportunities to earn better wages.”
- DOJ Antitrust Division Won \$85 Million In Fines From Poultry Makers That Worked To Suppress Wages.

- In July 2022, three poultry makers agreed to pay \$84.8 million to resolve allegations that they violated antitrust law by improperly communicating about worker wages and benefits. The fines went toward restitution for poultry processing plant workers harmed by the conspiracy.
- The agreement also allowed a court-appointed monitor to ensure the companies do not suppress wages for the next decade.

KANTER'S DOJ ANTITRUST DIVISION ENFORCING ANTITRUST LAW AT HISTORIC LEVELS

UNDER KANTER'S LEADERSHIP, THE ANTITRUST DIVISION HAS THE LARGEST NUMBER OF CIVIL CASES IN DECADES

Currently, The Antitrust Division Has The “Largest Number Of Civil Cases In Decades.” “Since November, the division has challenged or obtained merger abandonments in six cases. In testimony before the Senate Judiciary Committee this month, Kanter said the department has seven pending antitrust lawsuits — the largest number of civil cases in litigation in decades.” [Washington Post, [9/27/22](#)]

The Antitrust Division Is Litigating Six Civil Antitrust Lawsuits, The Most In The Last 20 Years. “Kanter reported that the agency is currently litigating six civil antitrust lawsuits, the largest number of civil cases in litigation in the last 20 years.” [New York Law Journal, [10/11/22](#)]

UNDER KANTER'S LEADERSHIP, THE ANTITRUST DIVISION WILL LITIGATE MORE MERGER TRIALS THAN EVER IN FY 2022

According To Kanter, DOJ Will “Litigate More Merger Trials” In FY 2022 Than In Any Fiscal Year On Record. “And the DOJ will litigate more merger trials this year than in any fiscal year on record.” [New York Law Journal, [10/11/22](#)]

WAPO: Kanter Said Antitrust Department Would “Litigate More Mergers This Year Than Any Fiscal Year On Record.” “During a Senate Judiciary Antitrust Subcommittee oversight hearing on Tuesday, Jonathan Kanter, the assistant attorney general for antitrust, said the Justice Department would litigate more mergers this year than any fiscal year on record and remains ‘committed to bringing difficult cases.’” [Washington Post, [9/21/22](#)]

Washington Post: DOJ Antitrust Division Has Gone To Court To Block At Least Five Mergers In 2022, An “High Number Of Cases To Be Pursuing At The Same Time.” “This year alone, the Justice Department has gone to trial seeking to block four deals, an unusually high number of cases for antitrust prosecutors to be pursuing at the same time. Decisions in three of the cases remain outstanding, and the antitrust division heads to court next week in a fifth suit against American Airlines Group Inc. and JetBlue Airways Corp. over a joint venture between the airlines.” [Washington Post, [9/21/22](#)]

UNDER KANTER'S LEADERSHIP, THE ANTITRUST DIVISION HAS REVIEWED A RECORD-NUMBER OF MERGERS

Kanter's DOJ Antitrust Division, And The FTC, Reviewed Around 3,500 Transactions In FY 2021, A Record. “Kanter and Lina Khan, his counterpart at the Federal Trade Commission, which also enforces competition laws, are trying to halt concentration amid a merger avalanche. The agencies reviewed some 3,500 transactions in the fiscal year that ended in September, a record.” [Bloomberg, [4/1/22](#)]

UNDER KANTER'S LEADERSHIP, THE ANTITRUST DIVISION HAS INDICTED MORE DEFENDANT THAN AT ANY TIME SINCE THE 1980s

Since Kanter Took Over, DOJ Antitrust Division Has Indicted Defendants In 20 Criminal Cases, More Than Any Time Since The 1980s. "In addition, Kanter reported, the DOJ has indicted defendants in 20 criminal cases since last November— more than any time since the 1980s— and ended 2021 with 146 pending grand jury investigations." [New York Law Journal, [10/11/22](#)]

THE DIVISION ALSO ENDED FY 2021 WITH 146 PENDING GRAND JURY INVESTIGATIONS, THE MOST IN 30 YEARS

DOJ Antitrust Division Ended FY 2021 With 146 Pending Grand Jury Investigations. "In addition, Kanter reported, the DOJ has indicted defendants in 20 criminal cases since last November— more than any time since the 1980s— and ended 2021 with 146 pending grand jury investigations." [New York Law Journal, [10/11/22](#)]

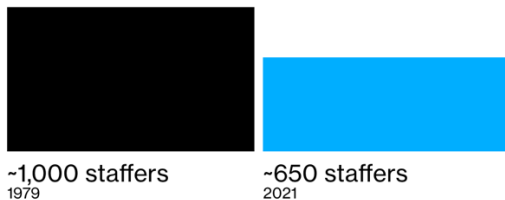
DOJ Antitrust Division Ended FY 2021 With 146 Pending Grand Jury Investigations, The Most In 30 Years. "We have also indicted 20 criminal cases since November, more than any time since the 1980s. We ended FY 2021 with 146 pending grand jury investigations, the most in 30 years." [Kanter Speech At Georgetown University, [9/15/22](#)]

KANTER'S DOJ ANTITRUST DIVISION HAS BEEN HISTORICALLY PRODUCTIVE DESPITE BEING UNDER-STAFFED

In 2021, Kanter's DOJ Antitrust Division Had Around 650 Staffers, Compared To Around 1,000 In 1979.

Under-resourced

Staff is down at DOJ's antitrust division as it pursues a sweeping agenda



Source: DOJ, Bloomberg

[Bloomberg, [4/1/22](#)]

KANTER'S ANTITRUST DIVISION IS RE-WRITING FEDERAL MERGER GUIDELINES AND LAUNCHING OTHER INITIATIVES TO HELP PROTECT AMERICANS FROM ANTI-COMPETITIVE PRACTICES

KANTER'S ANTITRUST DIVISION IS REWRITING FEDERAL GUIDELINES ON MERGERS

Along With The FTC, The DOJ Antitrust Division Is Rewriting Federal Guidelines On Mergers, With An Eye Toward Persuading Courts To Block More Deals. "The FTC and Justice Department are now rewriting federal guidelines on mergers with an eye toward persuading courts to block more deals." [Washington Post, [9/21/22](#)]

DOJ And FTC Held Listening Forums As They Worked To Rewrite Merger Guidelines, Hearing From Consumers, Workers, Entrepreneurs, Farmers, Among Others. “The Department of Justice and Federal Trade Commission (FTC) will host a series of listening forums to hear from those who have experienced firsthand the effects of mergers and acquisitions beyond antitrust experts, including consumers, workers, entrepreneurs, start-ups, farmers, investors and independent businesses.” [DOJ Press Release, [3/17/22](#)]

The Forums Focused On Industries And Labor Markets Commonly Impacted By Mergers, Including Food And Agriculture, Health Care, Media, And Technology. “The four forums will focus on industries and labor markets that are commonly impacted by mergers that may reduce competition. The dates are as follows: Monday, March 28 at 3pm ET – Food and Agriculture Thursday, April 14 at 2pm ET – Health Care Wednesday, April 27 at 1:30pm ET – Media and Entertainment Thursday, May 12 at 2pm ET – Technology.” [DOJ Press Release, [3/17/22](#)]

KANTER’S ANTITRUST DIVISION IS INVESTIGATING WAYS TO CHALLENGE PRIVATE EQUITY ACQUISITIONS ON MONOPOLY GROUNDS

Kanter’s DOJ Antitrust Division Has Sounded The Alarm On Buyout Groups Acquiring Assets that Companies Have Been Ordered To Divest To Avoid Competition Issues. “Both the FTC and DoJ have sounded the alarm on buyout groups acquiring assets that companies have been ordered to divest to complete another tie-up. Kanter has said private equity’s involvement often exacerbates antitrust issues.” [Financial Times, [8/22/22](#)]

DOJ Is Investigating Ways to Challenge Private Equity On Monopoly Grounds, Because “Antitrust Enforcement Must Evolve To Keep Pace With Market Realities.” “What could change that would be an antitrust case against private equity that goes beyond interlocking directorates, experts say. The DoJ is investigating ways to challenge private equity on monopoly grounds, a violation of section two of the 1890 Sherman Antitrust Act, which could entail criminal charges. “In addition to examining whether a single acquisition violates the law, certain industry roll-ups have the potential to constitute attempted monopolisation as well when examined as a whole,” says Kanter, adding: “Antitrust enforcement must evolve to keep pace with market realities.” [Financial Times, [8/22/22](#)]

KANTER’S ANTITRUST DIVISION WORKED WITH USDA TO LAUNCH ONLINE PORTAL TO ALLOW FARMERS, RANCHERS TO ANONYMOUSLY REPORT ANTI-COMPETITIVE PRACTICES

DOJ Antitrust Division And USDA Launched Online Portal For Farmers And Ranchers To Anonymously Report Anti-Competitive Practices In Livestock And Poultry Sectors. “The USDA and the Department of Justice recently launched an online portal for farmers and ranchers to anonymously report anti-competitive practices in the livestock and poultry sectors. The new tool is aimed at advancing the goals of the Biden-Harris Administration’s Action Plan for a Fairer, More Competitive, and More Resilient Meat and Poultry Supply Chain. Complaints or tips will go through a preliminary review by the USDA Packers and Stockyards Division staff and DOJ staff and if it raises sufficient concern, it will be selected for further investigation by the appropriate agency.” [Brownfield Ag News, [2/8/22](#)]

KANTER’S ANTITRUST DIVISION LAUNCHED INITIATIVE WITH FBI TO FIGHT INFLATION BY GOING AFTER COMPANIES THAT TAKE ADVANTAGE OF SUPPLY CHAIN DISRUPTIONS TO COLLUDE WITH RIVALS, RAISE PRICES

DOJ’s Antitrust Division Partnered With The FBI To Help Fight Inflation By Going After Companies That Take Advantage Of Supply Chain Disruptions To Collude With Rivals And Raise Prices. “The U.S. Justice Department's Antitrust Division and the FBI announced an initiative on Thursday to detect and prosecute companies that take advantage of supply chain disruptions to collude with rivals in order to

raise prices. The administration has made fighting inflation a priority as U.S. consumer prices rose solidly in January, leading to the biggest annual increase in inflation in 40 years. The division is making existing investigations a priority if it appears that competitors may have used supply chain disruptions, potentially caused by the coronavirus pandemic or shipping woes, as a way to hide collusion, the department said.” [Reuters, [2/17/22](#)]

DOJ ANTITRUST DIVISION IS FIGHTING UNCOMPETITIVE DEALS, PROTECTING AMERICANS FROM HIGHER PRICES, GLOBAL SUPPLY CHAIN ISSUES

KANTER’S DOJ ANTITRUST DIVISION. AND ITS “NO GUTS NO GLORY” APPROACH TO CHALLENGING MERGERS IS HAVING A DETERRENT EFFECT, HELPING QUASH ANTICOMPETITIVE DEALS

Loyola Chicago School Of Law’s Christine Chabot: Kanter’s Division’s “No Guts No Glory” Approach Will Have Deterrent Effect, Cause Other Potential Merging Parties To Adjust Their Conduct. “The companies’ concessions and tweaks to deal terms likely incentivize the DOJ to keep suing to block deals it considers to be anticompetitive. ‘In terms of the government’s approach to bringing difficult cases, there should be a ‘no guts, no glory’ approach,’ said Christine Chabot, a professor at Loyola University Chicago School of Law. ‘It’s going to not just affect parties in this suit, but have a deterrent effect: other merging parties and potential defendants are watching. If they see these challenges, they may adjust their conduct.’” [Bloomberg, [10/19/22](#)]

UW School Of Law Professor Douglas Ross: “The Mere Threat Of DOJ Lawsuits Can Quash Mergers” Because Companies Face Massive Financial, Time And Reputation Costs In Litigation. “The mere threat of DOJ lawsuits can quash mergers, said Douglas Ross, a professor at the University of Washington School of Law. Companies face massive financial, time, and reputation costs by inviting merger challenges, even if they ultimately win, he said.” [Bloomberg, [10/19/22](#)]

Kanter: If Bad Actors “The few precedents of an antitrust challenge to private equity means the outcome of potential cases is far from certain. But Kanter and Khan have already made it clear they are not afraid to lose in court. If parties “know that we’re not going to be afraid to take on a tough fight against well-resourced opponents,” he said earlier this year, “they’re going to think twice” [Financial Times, [8/22/22](#)]

DOJ ANTITRUST DIVISION’S SUNK MERGER OF TWO OF THE FOUR BIGGEST SUPPLIERS OF REFRIGERATED SHIPPING CONTAINERS

SHIPPING CONTAINER SUPPLIERS ABANDONED BILLION DOLLAR MERGER AFTER DOJ INVESTIGATION RAISED COMPETITION CONCERNS

Headline: Shipping container suppliers abandon \$987 mln deal after U.S. probe. [Reuters, [8/25/22](#)]

Headline: Maersk Drops Container Unit Sale to CIMC After DOJ Probe. [Bloomberg, [8/25/22](#)]

Global Shipping Container Suppliers China International Marine Container And Maersk Container Industry Abandoned A Merger Plan After DOJ Threatened To Challenge It. “Global shipping container suppliers China International Marine Containers and Maersk Container Industry in a joint statement on Thursday said they have abandoned a merger plan, citing significant regulatory challenges.” [Reuters, [8/25/22](#)]

US DOJ Said The Deal Would Have Combined Two Of The World’s Four Suppliers Of Refrigerated Shipping Containers And Further Concentrated The Global Cold Supply Chain. “The U.S. Justice Department said the deal would have combined two of the world's four suppliers of refrigerated shipping containers and further concentrated the global cold supply chain.” [Reuters, [8/25/22](#)]

THE MERGER WOULD HAVE CONSOLIDATED 90% OF REFRIGERATED SHIPPING CONTAINER PRODUCTION WORLDWIDE IN CHINESE STATE-OWNED OR STATE-CONTROLLED ENTITIES

DOJ Said Merger Would Have Consolidated Control Over 90% Of Insulated Container Box And Refrigerated Shipping Container Production Worldwide In Chinese State-Owned Or State-Controlled Entities. “The Justice Department said it “would also have consolidated control of over 90% of insulated container box and refrigerated shipping container production worldwide in Chinese state-owned or state-controlled entities.” [Reuters, [8/25/22](#)]

KANTER SAID THE MERGER WOULD HAVE LED TO “HIGHER PRICES, LOWER QUALITY AND LESS RESILIENCY IN GLOBAL SUPPLY CHAINS”

Kanter Said The Merger Would Have Led To “Higher Prices, Lower Quality And Less Resiliency In Global Supply Chains.” “Assistant Attorney General Jonathan Kanter, who heads the Justice Department’s antitrust division, said the acquisition could have led to “higher prices, lower quality, and less resiliency in global supply chains” and “would have cemented CIMC’s dominant position in an already consolidated industry and eliminated MCI as an innovative, independent competitor.” [Reuters, [8/25/22](#)]

DOJ’S ANTITRUST DIVISION STOPPED MERGER OF TWO SHIPPING GIANT THAT WOULD HAVE ELIMINATED COMPETITION IN GLOBAL SUPPLY CHAIN, RAISED PRICES FOR GOODS LIKE MEDICINE

Shipping Giants Cargotec Oyj And Konecranes Oyj Abandoned A Planned Merger After Kanter’s Antitrust Division Threatened To Go To Court To Block The Deal. “On Tuesday, for example, shipping giants [Cargotec Oyj](#) and [Konecranes Oyj](#) [abandoned](#) a planned merger after Kanter threatened to go to court to block the deal.” [Bloomberg, [4/1/22](#)]

Two Leading Manufacturers Of Cargo Handling Equipment Abandoned Plans To Merge. “Two of the leading manufacturers of cargo handling equipment for ports, Cargotec and Konecranes, abandon their plans to merge citing ongoing opposition from global regulators more than 15 months since the merger valued at \$5 billion was first announced and after proposed divestment.” [Maritime Executive, [3/29/22](#)]

The Companies Abandoned Their Plan The Day After US DOJ’s Antitrust Division Informed The Companies That It Would File Suit To Block The Merger. “The Finish engineering groups released their decision... a day after the U.S. Justice Department’s Antitrust Division informed the companies that it also intended to file suit to block the merger.” [Maritime Executive, [3/29/22](#)]

Merger Was Abandoned After DOJ’s Antitrust Division Said The Companies Settlement Proposal Was Not Sufficient To Address Competition Issues. “Cargotec Corporation (Cargotec) confirmed today that it has abandoned its intended merger of equals with Konecranes Plc (Konecranes) one day after the Justice Department’s Antitrust Division informed the parties that the settlement proposal was not sufficient to address concerns that the proposed combination would eliminate important competition in four types of shipping container handling equipment used by port customers to move goods in the global supply chain.” [US DOJ Press Release, [3/29/22](#)]

Kanter Said The Merger Threatened To Harm Competition In The Sale Of Container Handling Equipment To U.S. Port Customers And Terminal Operators that Move Consumer Products, Medicines And Other Important Goods Through The Global Supply Chain. “Cargotec’s and Konecranes’ proposed merger threatened to harm competition in the sale of container handling equipment to U.S. port customers and terminal operators that move consumer products, medicines, and

other important goods through the global supply chain,' said Assistant Attorney General Jonathan Kanter of the Justice Department's Antitrust Division." [US DOJ Press Release, [3/29/22](#)]

DOJ ANTITRUST DIVISION SUED TO BLOCK MERGER BETWEEN TWO DOOR LOCK-MAKERS, PROTECT PRIVACY AND SECURITY OF AMERICANS

DOJ SUED TO BLOCK \$4.3 BILLION MERGER BETWEEN TWO DOOR LOCK MAKERS, THAT WOULD HAVE LED TO NEAR MONOPOLY

DOJ's Antitrust Division Sued To Block \$4.3 Billion Merger Of two Companies That Make Residential Door Hardware. "The U.S. Justice Department has sued to block a \$4.3-billion proposed deal by Assa Abloy AB ([ASSAb.ST](#)) to buy a division of Spectrum Brands Holdings Inc ([SPB.N](#)) that makes residential door hardware, the department said in a statement on Thursday which said the deal could lead to higher prices for consumers." [Reuters, [9/15/22](#)]

DOJ Said The Deal Would Give Assa Abloy A Near-Monopoly In The Top-Line Mechanical Door Hardware Market, More Than Half Market For Smart Locks. "The department said that the deal, if it went forward, would give Assa Abloy a near-monopoly in top-line mechanical door hardware and more than half the market for smart locks, a fast-growing market." [Reuters, [9/15/22](#)]

THE MERGER WOULD LED TO HIGHER PRICES AND REDUCED INNOVATION FOR HOMEOWNERS, WHO RELY ON THE DOORS TO MEET BASIC PRIVACY AND SECURITY NEEDS

DOJ Said The Merger Could Mean Higher Prices And Reduced Innovation For Homeowners. "The department said that a merger of Assa Abloy and Spectrum's Hardware and Home Improvement division could mean higher prices and reduced innovation for homeowners who want to buy premium mechanical door hardware or smart locks." [Reuters, [9/15/22](#)]

Kanter Said The Competition Between The Two Lockmakers Had Led To lower Prices And Better Quality For Homeowners, Would Be Extinguished If Merger Were Allowed. "Competition between the two lockmakers has led to lower prices and better quality for consumers, Assistant Attorney General for Antitrust Jonathan Kanter said in a statement. "That important competition would be extinguished if this merger were allowed to proceed," he said." [Bloomberg, [9/15/22](#)]

Kanter: "Millions Of Americans Rely On These Companies' Doors To Meet Their Most Basic Privacy And Security Needs." "The complaint, filed in the U.S. District Court for the District of Columbia, alleges that the merger would eliminate important head-to-head competition between ASSA ABLOY and Spectrum, risking higher prices, lower quality, reduced innovation and poorer service in the sale of at least two types of residential door hardware: premium mechanical door hardware and smart locks. 'Millions of Americans rely on these companies' door hardware products every day to meet their most basic privacy and security needs,' said Assistant Attorney General Jonathan Kanter of the Justice Department's Antitrust Division. 'Competition between these two companies, which are two of the three largest companies in an already concentrated industry, has benefitted American consumers in the form of lower prices and better quality. That important competition would be extinguished if this merger were allowed to proceed to the detriment of Americans.'" [US DOJ Press Release, [9/15/22](#)]

DOJ'S ANTITRUST DIVISION STOPPED MERGER THAT WOULD HAVE LED TO HIGHER COSTS FOR SMALL BUSINESS OWNERS, HOSPITALS

MAY 2022: TWO WALL PANEL COMPANIES ABANDONED \$360 MILLION MERGER AFTER DOJ ANTITRUST LAWSUIT

May 2022: Group Verzatec Abandoned Its Proposed Acquisition Of Crane Composites After DOJ Sued Over The Proposed Deal, Claimed It Would Have Eliminated Competition. “Grupo Verzatec has abandoned its proposed acquisition of Crane Co.’s Crane Composites, the U.S. Justice Department said in an emailed statement. DOJ had sued over the proposed deal on claims that it would have eliminated competition; a trial had been set for Oct. 4.” [Bloomberg, [5/26/22](#)]

THE DEAL WOULD HAVE HARMED THE MARKET FOR PEBBLED WALL PANELS, HARMING AMERICAN BUSINESSES

DOJ Filed Antitrust Lawsuit, Said Deal Would Harm Competition In Production And Sale Of Pebbled Fiberglass Reinforced Plastic Wall Panels. “Crane's (NYSE:[CR](#)) proposed \$360 million sale of its engineered materials business to Group Verzatec is being challenged the U.S. Dept. of Justice on antitrust grounds. The DOJ filed a civil lawsuit Thursday to stop Grupo Verzatec from acquiring its biggest competitor, Crane Composites, according to a [press release](#) from the DOJ. The complaint, filed in the U.S. District Court for the Northern District of Illinois, alleges that the proposed deal would harm competition in production and sale of pebbled fiberglass reinforced plastic (“FRP”) wall panels.” [Seeking Alpha, [3/17/22](#)]

DOJ Alleged The Deal Would Have Monopolized The Market For Pebbled Wall Panels And Harm American Businesses. “The Department of Justice said filed a civil lawsuit to block Crane selling its subsidiary, Crane Composites, to Verzatec, alleging it would monopolize the market for pebbled wall panels and harm American businesses.” [Bloomberg, [3/17/22](#)]

FRP Wall Panels Are The Wall Covering Of Choice For Many Restaurants, Grocery Stores, Hospitals And Convenient Stores. “DOJ alleges the proposed \$360 million transaction would harm competition in production and sale of pebbled fiberglass reinforced plastic (FRP) wall panels, whose product and performance characteristics make it the wall covering of choice for many restaurants, grocery stores, hospitals and convenience stores.” [Bloomberg, [3/17/22](#)]

DOJ’S ANTITRUST DIVISION IS TRYING TO STOP MERGER OF TWO SUGAR GIANTS, KEEP DOWN COST OF STAPLE FOOD AND BEVERAGES

DOJ’S ANTITRUST DIVISION SUED TO BLOCK MERGER OF TWO SUGAR INDUSTRY GIANTS THAT WOULD GIVE THEM CONTROL OF 75% OF MARKET IN THE SOUTHEAST

November 2021: DOJ Antitrust Division Sued To Block Merger Of Two Sugar Industry Giants, United States Sugar And Imperial Sugar. “The Biden administration on Tuesday sued to block the proposed merger of two sugar industry giants, arguing that that acquisition would erase competition and raise prices at a time when global supply chains are already under pressure. The [civil antitrust lawsuit](#), filed in federal court in Delaware, aims to stop the United States Sugar from buying Imperial Sugar. The corporations are rivals in the “already cozy” sugar industry, said Jonathan Kanter, assistant attorney general of the Justice Department’s Antitrust Division, in a press release. ‘This deal substantially lessens competition at a time when global supply chain challenges already threaten steady access to important commodities and goods,’ Kanter added.” [CNBC, [11/23/21](#)]

The Deal Would Have Left Two Companies In Control Of Nearly 75% Of Sugar Sales In The Southeast US, Leading To Americans Paying More For Sugar, Other Staple Food And Beverage Products. “The complaint says that if U.S. Sugar acquires Imperial, it would fold Imperial’s production into that of United Sugars Corporation, a cooperative that sells the sugar produced by U.S. Sugar and three other refiners. That deal would leave just two companies, United and Domino, in control of nearly 75% of sugar sales across the southeast U.S., ‘leaving wholesale customers in this region at the mercy of a cozy duopoly,’ the complaint alleges. ‘As a result, fragile supply chains would be further strained, and

American families would pay more for sugar and many staple food and beverage products,' the lawsuit says." [CNBC, [11/23/21](#)]

THE DEAL WOULD LEAD TO AMERICAN FAMILIES PAYING MORE FOR SUGAR AND OTHER STAPLE FOOD AND BEVERAGE PRODUCTS

Kanter Said Deal Would Lessen Competition At Time When Global Supply Chain Challenges Already Threaten Steady Access To Important Commodities And Goods. "The corporations are rivals in the "already cozy" sugar industry, said Jonathan Kanter, assistant attorney general of the Justice Department's Antitrust Division, in a press release. 'This deal substantially lessens competition at a time when global supply chain challenges already threaten steady access to important commodities and goods,' Kanter added." [CNBC, [11/23/21](#)]

Deal Would Lead To American Families Paying More For Sugar And Other Staple Food And Beverage Products. "The complaint says that if U.S. Sugar acquires Imperial, it would fold Imperial's production into that of United Sugars Corporation, a cooperative that sells the sugar produced by U.S. Sugar and three other refiners. That deal would leave just two companies, United and Domino, in control of nearly 75% of sugar sales across the southeast U.S., 'leaving wholesale customers in this region at the mercy of a cozy duopoly,' the complaint alleges. 'As a result, fragile supply chains would be further strained, and American families would pay more for sugar and many staple food and beverage products,' the lawsuit says." [CNBC, [11/23/21](#)]

Kanter: "Further Consolidation In The Market For This Important Kitchen Staple Will Have Real-World Consequences For Millions Of Americans." "Further consolidation in the market for this important kitchen staple will have real-word consequences for millions of Americans,' Jonathan Kanter, who leads DOJ's Antitrust Division, said in a statement." [Time, [9/28/22](#)]

NOTE: THE DOJ LOST THE CASE IN SEPT. 2022 BUT IT IS NOW IN THE APPEALS PROCESS

Sept. 2022: US Judge Ruled In Favor Of US Sugar's Plans To Buy Imperial Sugar Co. "A U.S. judge on Friday ruled in favor of U.S. Sugar Corp's plans to buy rival Imperial Sugar Co, rejecting a Justice Department argument that the proposed deal would drive up the price of sugar for households as well as for food and soda makers." [Reuters, [9/23/22](#)]

Trump-Appointed Judge Ruled Against The DOJ's Antitrust Division. "On Sept. 23, Noreika, who was appointed by former President Donald Trump, ruled against the Biden administration, citing Fesco's testimony prominently as evidence that the merger would not violate American antitrust law." [Time, [9/28/22](#)]

DOJ Antitrust Division Is Appealing The Ruling. "The U.S. Justice Department said on Monday it would appeal a judge's ruling that U.S. Sugar Corp's plans to buy rival Imperial Sugar Co was legal under antitrust law, according to a court filing." [Reuters, [9/27/22](#)]

DOJ Failed To Pause The Merger Before Full Appeal Of Lower Court Decision Is Heard. "The Justice Department failed to convince the Third Circuit to pause the closing of US Sugar Corp.'s \$315 million acquisition of rival Imperial Sugar prior to hearing the full appeal of a lower court decision that approved the deal." [Bloomberg, [9/30/22](#)]

DOJ'S ANTITRUST DIVISION IS TRYING TO SAVE CONSUMERS \$700 MILLION/YEAR BY STOPPING AMERICAN AIRLINES, JETBLUE PARTNERSHIP

UNDER KANTER'S WATCH, DOJ'S ANTITRUST DIVISION HAS GONE TO TRIAL TO STOP ANTI-COMPETITIVE JETBLUE, AMERICAN AIRLINE PARTNERSHIP

Sept. 2022: DOJ's Antitrust Division Went To Trial To Kill Partnership Between American Airlines And JetBlue Airways. "Government lawyers used airline executives' own words in trying Tuesday to persuade a federal judge to kill a partnership between American Airlines and JetBlue Airways. The Justice Department and officials in California and five other states [argue in their lawsuit](#) that the deal is, in effect, a merger that will cost consumers \$700 million a year in higher fares. It said JetBlue's [pending purchase of Spirit Airlines](#) will make matters even worse for travelers." [Associated Press, [9/27/22](#)]

THE ALLIANCE WOULD LIMIT CAPACITY AND HARM FARE-REDUCING COMPETITORS, LEADING TO HIGHER AIRFARES FOR AMERICANS

Prosecutors Said Alliance Would Allow Carriers To Limit Capacity And Harm Fare-Reducing Competitors, Costing Consumers Hundreds Of Millions Each Year. "Federal prosecutors trying to halt an alliance between two air carriers in the Northeast painted the agreement Tuesday as one that could allow the carriers to limit capacity and harm fare-reducing competitors, costing consumers hundreds of millions of dollars each year." [Washington Post, [9/27/22](#)]

Headline: American, JetBlue alliance will cost consumers \$700 million a year, DOJ argues. [Los Angeles Times, [9/27/22](#)]

Prosecutors Said Merger Threatened To Limit Competition Between The Airlines Around The Country In An Already Concentrated Industry. "The Justice Department's antitrust trial began in federal court here, with prosecutors arguing that the Northeast Alliance — a jet- and revenue-sharing agreement between American Airlines and JetBlue Airways for certain routes in the Boston and the New York areas — threatens to limit competition between the airlines around the country in an already concentrated industry." [Washington Post, [9/27/22](#)]

THE LAWSUIT WAS FILED IN SEPT. 2021

The Lawsuit Was Filed In Sept. 2021. "the Biden administration contends the agreement is [effectively a merger](#) that will drive up fares. Last September, the Justice Department along with the attorneys general of six states and the District of Columbia [sued to block the partnership](#), which was approved in the final days of the Trump administration." [CNBC, [9/27/22](#)]

DOJ'S ANTITRUST DIVISION IS HOLDING GOOGLE ACCOUNTABLE FOR DOMINATING ONLINE SEARCH AND DIGITAL AD MARKETS

August 2022: US DOJ Preparing To Sue Google For Illegally Dominating Digital Advertising Market. "The US Justice Department is preparing to sue Google as soon as next month, according to people familiar with the matter, capping years of work to build a case that the [Alphabet Inc.](#) unit illegally dominates the digital advertising market. Lawyers with the DOJ's antitrust division are questioning publishers in another round of interviews to refresh facts and glean additional details for the complaint, said three people familiar with the conversations who asked not to be named discussing an ongoing investigation." [Bloomberg, [8/9/22](#)]

DOJ Currently Has Case Against Google For Dominating The Online Search Market In Violation Of Antitrust Laws That Was Filed In 2020. "An ad tech complaint, which Bloomberg had reported was in the works last year, would mark the DOJ's second case against Google following the government's 2020 lawsuit alleging the tech titan dominates the online search market in violation of antitrust laws." [Bloomberg, [8/9/22](#)]

DOJ ANTITRUST DIVISION BACKED STUDENTS FIGHTING UNIVERSITIES THAT ALLEGEDLY COLLUDED TO RAISE THE PRICE OF COLLEGE

Kanter's Antitrust Division Backed Antitrust Class-Action. Filed By Former College Students who Claimed Top Universities Improperly Boosted Tuition Costs By Agreeing Not To Compete Over How Much Financial Aid They Offer. "The US Justice Department on Thursday backed an antitrust class-action filed by former college students who claim top universities including [Brown University](#) and [Yale University](#) improperly boosted tuition costs by agreeing not to compete over how much financial aid they offer." [Bloomberg, [7/7/22](#)]

The Lawsuit Alleged That 16 Elite Colleges Agreed On A Calculation For How Much A Student's Family Must Contribute Before They Will Award Financial Aid, An "Agreement That Has Raised The Price That Students Pay To Attend College." "The lawsuit filed by the students in January alleges that 16 elite colleges, including [Columbia University](#), the [University of Chicago](#) and [Duke University](#), agreed on a calculation for how much a student's family must contribute before they will award financial aid -- an agreement that has raised the price that students pay to attend college." [Bloomberg, [7/7/22](#)]

DOJ ANTITRUST DIVISION BACKED MINOR LEAGUE BASEBALL COMMUNITIES

DOJ Antitrust Division Asked A Federal Court To Limit The Antitrust Exemption Given To MLB. "The Department of Justice, making a request on behalf of three former minor league teams suing Major League Baseball after the league stripped them of their affiliation, asked a federal court Wednesday to limit the antitrust exemption given to MLB." [ESPN, [6/15/22](#)]

The MLB Antitrust Exemption Also Prevents Minor League Players From Pursuing Opportunities In Other Leagues. "The antitrust exemption also prevents minor league players from pursuing opportunities in other leagues. Advocacy groups have argued that minor league salaries would increase if teams competed for players, something that can't happen with the exemption in place." [ESPN, [6/15/22](#)]

The Filing Was In Response To A Lawsuit By Three Minor League Clubs That Were Eliminated By MLB, Along With 40 Others, In A Recent Consolidation. "In this instance, the filing was related to a suit in which three former minor league teams affiliated with major league clubs, including the Staten Island Yankees, have sued M.L.B. accusing the league of antitrust violations when their teams, along with 40 others, were eliminated in a recent consolidation of Minor League Baseball." [New York Times, [6/15/22](#)]

DOJ'S ANTITRUST DIVISION TRIED TO STOP DEAL THAT WOULD GIVE LARGEST US HEALTH INSURER ACCESS TO COMPETITOR DATA, PUSH UP HEALTH CARE COSTS

Feb. 2022: DOJ's Antitrust Division Filed Lawsuit Aimed At Stopping \$8 Billion Acquisition Of Change Healthcare By United Health Group, Said Deal Would Give Largest US Health Insurer Access To Competitors Data And Ultimately Raise Healthcare Costs. "The Justice Department had filed a lawsuit in February aimed at stopping the \$8 billion acquisition, saying the deal would give the largest U.S. health insurer access to its competitors' data and ultimately push up healthcare costs...The Justice Department had said that UnitedHealth and Change Healthcare offer competing software for processing healthcare claims and together serve 38 of the top-40 health insurers in the country....claims would give UnitedHealth a view into rivals' health plans, including Humana Inc ([HUM.N](#)), Anthem Inc and others." [Reuters, [9/20/22](#)]

ALTHOUGH THE LAWSUIT WAS DENIED, UNITEDHEALTH AGREED TO SPIN OFF MORE OF CHANGE'S BUSINESS THAN ORIGINALLY PROPOSED

Sept. 2022: US Judge Denied DOJ's Bid To Stop The Merger. "A U.S. judge on Monday denied the Justice Department's bid to stop UnitedHealth Group ([UNH.N](#)) from buying Change

Healthcare ([CHNG.O](#)), in a blow to the U.S. administration's tougher enforcement of antitrust issues." [Reuters, [9/20/22](#)]

Because Of DOJ Lawsuit, UnitedHealth Group Agreed To Spin Off More Of Change Healthcare's Business Than Originally Proposed In Its \$7.8 Billion Acquisition. "UnitedHealth Group Inc. agreed to spin off more of Change Healthcare Inc.'s business than originally proposed in its \$7.8 billion acquisition, after the agency unsuccessfully sued to block that deal." [Bloomberg, [10/19/22](#)]

DOJ ANTITRUST DIVISION STOPPED ANTI-COMPETITIVE PRACTICES BY CREDIT RATING AGENCY S&P

MAY 2022: DOJ ANTITRUST DIVISION WARNED S&P ABOUT PROPOSED CHANGES TO HOW IT MEASURED CREDITWORTHINESS OF BONDS OWNED BY INSURANCE COMPANIES

DOJ Antitrust Division Warned That S&P's Proposed Changes To How It Assesses Creditworthiness Of Bonds Owned By Insurance Companies Could Raise Significant Concerns Under US Antitrust Law. "S&P Global Inc. should "carefully consider" a proposed tweak to how it assesses the creditworthiness of bonds owned by insurance companies, the Justice Department said, warning that such a change "could raise significant concerns" under U.S. antitrust law." [Bloomberg, [5/4/22](#)]

The Proposed Changes Would Have Ranked Bonds Exclusively Ranked By SP's Competitors As Less Creditworthy, Even As "Junk" Bonds In Some Cases. "Late last year, S&P proposed changing for the first time in more than a decade how it measures the creditworthiness of insurance companies. The new method would put more weight on the bonds within a firm's investment portfolio and rank bonds rated exclusively by its competitors as less creditworthy. In some cases, that would demote the bonds to junk status -- or beneath investment grade." [Bloomberg, [5/4/22](#)]

DOJ AND OTHER CRITICS SAID THE CHANGES WOULD HURT CREDIT GRADES OF INSURANCE COMPANIES THAT INVEST IN BONDS NOT RATED BY S&P

DOJ Said The Changes Could Raise Barriers For S&P's Rivals, Hurt Credit Grades Of Insurance Companies That Invest In Bonds That Aren't S&P Related. "The Justice Department's antitrust division said in a letter dated last Friday that a proposed methodology change by S&P -- the world's largest credit ratings company -- could raise barriers for its rivals. The changes could end up hurting the credit grades of insurance companies that invest in bonds that aren't rated by S&P." [Bloomberg, [5/4/22](#)]

Critics Said Proposed Changes Would Pressure Bond Issuers To Do More Business With S&P And Possibly Devalue The Assets Held By Insurers. "Critics have said the proposed change would pressure bond issuers to do more business with S&P and possibly devalue the assets already held by insurers." [Bloomberg, [5/4/22](#)]

KANTER SAID THE CHANGES PROPOSED BY S&P WOULD PENALIZE INSURERS THAT PURCHASE SECURITIES RATED BY S&P'S COMPETITORS

Kanter Said S&P Changes Would Penalize Insurers that Purchase Securities Rated By S&P's Competitors. "The firm should "carefully consider whether penalizing insurers that purchase securities rated by S&P's competitors has the potential to raise barriers to entry and expansion by competitors, insulate S&P from competition, or otherwise suppress competition from rival rating agencies," said antitrust chief [Jonathan Kanter](#) in the [letter](#). "Such actions could raise significant concerns that the Sherman Act has been -- or will be -- violated and warrant additional scrutiny." [Bloomberg, [5/4/22](#)]

S&P DROPPED THE PROPOSAL AFTER DOJ'S WARNING

Headline: S&P drops rating mapping proposals after DoJ warning. [Reinsurance News, [5/9/22](#)]

May 2022: S&P Global Ratings Withdrew Its Controversial Proposals For New Criteria Regarding The Rating Of Insurance And Reinsurance Companies. "S&P Global Ratings has decided to withdraw a number of its controversial proposals for new criteria regarding the rating of insurance and reinsurance companies, after receiving negative feedback from the industry." [Reinsurance News, [5/9/22](#)]

DOJ LAWSUIT OVER BOOZ ALLEN'S PURCHASE OF COMPETITOR EXTRACTED IMPORTANT CONCESSIONS, ENSURED COMPETITION FOR MONTHS

DOJ'S LAWSUIT AGAINST BOOZ'S PURCHASE OF EVERWATCH HELPED ENSURE THE COMPANIES CONTINUED TO COMPETE FOR MONTHS ON FEDERAL INTELLIGENCE CONTRACT

DOJ Antitrust Division's Lawsuit Against Booz Allen Hamilton's Acquisition Of Competitor EverWatch Slowed The Deal For Months, Helping Ensure The Companies Continued To Compete On A Federal Intelligence Contract. "The agency's lawsuit against Booz Allen Hamilton's \$440 million acquisition of competitor EverWatch slowed the deal for several months, helping to ensure the companies continue to compete on a federal intelligence contract, a federal judge acknowledged. The suit, now in limbo as the deal has [closed](#), also spurred Booz Allen to discard its veto power over EverWatch bids even while the deal was pending." [Bloomberg, [10/19/22](#)]

DOJ Lost Request For Injunction to Stop The Booz Allen-EverWatch Deal, But Companies Had Kept Competing Separately For A Sensitive NSA Contract At Heart Of Challenge For Months. "The Justice Department's antitrust division last week lost its request for a preliminary injunction pausing the Booz Allen-EverWatch deal. But the companies had kept competing separately for a sensitive National Security Agency contract at the heart of the challenge. 'To some extent, the very existence of this litigation gave the Government what it was looking for—competition fueled by uncertainty,' Judge Catherine C. Blake of the US District Court for the District of Maryland wrote in her opinion, unsealed Oct. 17." [Bloomberg, [10/19/22](#)]

Judge Catherine Blake: "To Some Extent, The Very Existence Of This Litigation Gave The Government What it Was Looking For-Competition Fueled By Uncertainty." "The Justice Department's antitrust division last week lost its request for a preliminary injunction pausing the Booz Allen-EverWatch deal. But the companies had kept competing separately for a sensitive National Security Agency contract at the heart of the challenge. 'To some extent, the very existence of this litigation gave the Government what it was looking for—competition fueled by uncertainty,' Judge Catherine C. Blake of the US District Court for the District of Maryland wrote in her opinion, unsealed Oct. 17." [Bloomberg, [10/19/22](#)]

Kanter: "The Department's Lawsuit...Fueled Competition For An Important National Security Contract By Forcing The Parties To Prepare Bids Independently." "Jonathan Kanter, the DOJ antitrust division chief, was quick to point out the same after the ruling. 'The Department's lawsuit, as the Court recognized, fueled competition for an important national security contract by forcing the parties to prepare bids independently and without certainty of a merger,' Kanter said in an Oct. 11 statement." [Bloomberg, [10/19/22](#)]

DOJ'S LAWSUIT FORCED BOOZ ALLEN TO DROP MERGER AGREEMENT CLAUSE TO SEIZE VETO POWER OVER EVERWATCH'S BIDS

DOJ Lawsuit Forced Booz Allen To Drop Merger Agreement Clause To Seize Veto Power Over EverWatch's Bids Even Before The Deal Closed. "Booz Allen said in July court filings that it dropped a

merger agreement clause to seize veto power over EverWatch's bids even before the deal closed. The clause had been a point of contention, as Justice Department attorneys argued that it was evidence that the companies had little incentive to compete." [Bloomberg, [10/19/22](#)]

KANTER'S DOJ ANTITRUST DIVISION IS PROTECTING TAXPAYER DOLLARS AND BUSINESS PEOPLE THAT PLAY BY THE RULES FROM BID-RIGGING, COLLUSION AND OTHER ANTI-COMPETITIVE FRAUD

DOJ ANTITRUST DIVISION PROTECTED OUR MILITARY OVERSEAS, INDICTED CONTRACTORS RIGGING BIDS FOR WORK ON MILITARY BASES IN KOREA

DOJ Antitrust Division Won Indictment Of Two South Korean Contractors Charged With Rigging Bids For Work Carried Out On Military Bases In Korea. "Two South Korean contractors are being prosecuted by the US government on charges of rigging bids for work carried out on military bases in Korea. Construction executives Hyun Ki Shin and Hyuk Jin Kwon were indicted by a federal grand jury in the Western District of Texas and will now face six counts of wire fraud and one count of conspiracy to restrain trade." [Global Construction Review, [3/18/22](#)]

The Executives Allegedly Began Rigging Bids In Nov. 2018 To Try And Obtain Millions Of Dollars In Repair And Maintenance Work. "According to the US Department of Justice, the two are alleged to have begun rigging bids since November 2018 to obtain millions of dollars in repair and maintenance work." [Global Construction Review, [3/18/22](#)]

Kanter Said Big Rigging And Price Fixing Were Crimes And DOJ Would Stand By As Criminals Try And Harm Our Military Overseas. "Jonathan Kanter, assistant attorney general of the Justice Department's Antitrust Division, commented: 'Bid rigging, price fixing and fraud are crimes. We will not stand by as criminals engage in illegal conduct to harm our military [installations] overseas.'" [Global Construction Review, [3/18/22](#)]

DOJ: The Contractors Defrauded DOD In Order To Obtain Millions In Repair And Maintenance Subcontract Work. "According to the indictment, Hyun Ki Shin and Hyuk Jin Kwon were officers of a South Korean construction company that performed subcontract work on U.S. military installations in South Korea. Kwon was also a part owner of the company. Beginning at least as early as November 2018, Kwon and Shin, along with others, conspired to rig bids and fix prices for subcontract work, and defrauded the U.S. Department of Defense in order to obtain millions of dollars in repair and maintenance subcontract work at U.S military installations in South Korea." [US DOJ Press Release, [3/17/22](#)]

DOJ ANTITRUST DIVISION PROTECTED TAXPAYER DOLLARS, WON GUILTY PLEA AND \$1.2 MILLION FINE FROM COMMERCIAL CARPETING COMPANY AND ITS CEO

June 2022: DOJ Antitrust Division Won Guilty Plea From Commercial Flooring Company And Its CEO On Charges Of Big Rigging And Price-Fixing, Resulting In \$1.2 Million Fine. "Last week, Commercial Carpet Consultants, Inc., a commercial flooring contractor, and Jerry Watson, its former president, plead guilty to bid-rigging and price-fixing charges and agree to pay a \$1.2 million fine. Commercial Carpet is the fourth company to plead guilty in an ongoing investigation in the commercial flooring industry. Watson is the sixth individual to plead guilty to charges stemming from the investigation." [JD Supra, [6/16/22](#)]

The Company And Its CEO Admitted To Colluding With Competitors To Suppress Competition In The Award Of Contracts, Submitting Complimentary Bids So Designated Company Would Win Contract. "Commercial Carpet and Watson admitted to collusive agreements with competitors from 2009 until June 2017. Commercial Carpet and Watson agreed with competitors to suppress

competition in the award of contracts from bidding procedures. The members of the conspiracy submitted complementary bids so that the designated company would win the contract.” [JD Supra, [6/16/22](#)]

The Companies Sought Contracts With Government Agencies To Remove Flooring, Prepare Surfaces For New Flooring And Install New Flooring. “The commercial carpet companies seek contracts with government agencies to remove flooring, prepare the surfaces for new flooring, and install new flooring, including carpet, wood, vinyl, tile and laminate flooring.” [JD Supra, [6/16/22](#)]

DOJ ANTITRUST DIVISION PROTECTED TAXPAYER DOLLARS, CRACKED DOWN ON CORRUPTION IN CALIFORNIA’S TRANSPORTATION AGENCY

US DOJ Antitrust Division Won Guilty Plea Of Former Contract Manager For California’s Transportation Agency Who Was Rigging The Competitive Bidding Process For Improvement And Repair Contracts. “A former contract manager for California’s transportation agency has pleaded guilty in what federal prosecutors say is an ongoing investigation into a bid-rigging and bribery scam involving millions of dollars worth of contracts. Choon Foo “Keith” Yong agreed Monday to cooperate with the investigation. Prosecutors say it was a conspiracy to rig the competitive bidding process for improvement and repair contracts.” [Associated Press, [4/12/22](#)]

US DOJ Antitrust Division Won Guilty Plea Of Contractor Who Helped Carry Out Scheme To Coordinate Bids And Pay Bribes To Caltran Employee. “A former construction contractor faces years in prison and restitution payments of at least \$700,000 for bribing a Caltrans manager and rigging bids for taxpayer-funded projects, the U.S. Department of Justice announced Monday. William D. Opp pleaded guilty to helping carry out a scheme from 2015 through 2018 in which he coordinated bids and paid bribes to former Caltrans construction manager Choon Foo “Keith” Yong, who pleaded guilty in April, according to Opp’s plea agreement.” [Sacramento Bee, 10/4/22]

Kantar Said The Antitrust Division Was Redoubling Efforts To Crack Down On Bid-Rigging And Fraud That Steals Taxpayer Dollars. “Today’s guilty plea involves crimes affecting industries that receive significant federal funding for infrastructure and transportation,” Assistant Attorney General [Jonathan Kanter](#) said in a statement. ‘The Antitrust Division and its Procurement Collusion Strike Force are redoubling efforts to enforce the law against bid-rigging and fraud that steals taxpayer dollars.’” [Sacramento Bee, 10/4/22]

DOJ ANTITRUST DIVISION WON CONVICTION AGAINST ENGINEERING EXECUTIVE FOR RIGGING BIDS AND DEFRAUDING NORTH CAROLINA DOT

FEB. 2022: DOJ WON CONVICTION AGAINST ENGINEERING EXECUTIVE WHO RIGGED BIDS AND DEFRAUDED NORTH CAROLINA DOT

DOJ Antitrust Division Won Conviction Of Fraud And Conspiracy To Commit Bid-Rigging Against Former Engineering Executive. “A former engineering company executive has been convicted of fraud and conspiracy related to bid-rigging for hundreds of North Carolina Department of Transportation projects over nearly a decade.” [Associated Press, [2/4/22](#)]

KANTER SAID CONVICTION SENT MESSAGE THAT EXECUTIVES WHO TARGET TAXPAYER-FUNDED INFRASTRUCTURE PROJECTS WITH FRAUD SCHEMES WOULD BE HELD ACCOUNTABLE

Kanter Said The Conviction Sent Message That With Massive Infrastructure Project About To Begin, Executives Who Target State And Local Governments With Bid-Rigging And Fraud Schemes Would Be Held Accountable. “Assistant Attorney General Jonathan Kanter said the

conviction sends a message that with massive spending in infrastructure projects about to begin, the Justice Department's Antitrust Division is committed to holding "accountable executives who target state and local governments with their bid-rigging and fraud schemes." President Joe Biden signed a \$1 trillion infrastructure bill into law in November." [Associated Press, [2/4/22](#)]

DOJ ANTITRUST DIVISION WON INDICTMENT AGAINST CONCRETE COMPANY AND ITS CEO FOR RIGGING BIDS FOR PUBLIC CONTRACTS

DOJ ANTITRUST DIVISION WON INDICTMENT AGAINST KAMIDA AND ITS CEO FOR RIGGING BIDS FOR CONTRACTS WITH MINNESOTA LOCAL GOVERNMENTS AND SCHOOL DISTRICTS

DOJ Antitrust Division Won Indictment Against Concrete Company Kamida And Its CEO For Participating In A Conspiracy To Rig Bids For Repair And Construction Contracts With At Least Four Municipalities In Minnesota Including Schools Districts. "A federal grand jury returned an indictment charging Kamida Inc., a Minnesota-based concrete repair and construction corporation, and its CEO, Steven Dornsbach, with participating in a conspiracy to rig bids for public concrete repair and construction contracts in the state of Minnesota. According to court documents filed in the U.S. District Court in Minneapolis, Dornsbach and Kamida conspired to rig bids on concrete repair and construction contracts submitted to at least four municipalities in the state of Minnesota, including local governments and school districts in the Minneapolis-St. Paul area, from at least as early as September 2012 and continuing through at least July 2017." [US DOJ Press Release, [3/10/22](#)]

KANTER SAID SCHEMES LIKE THIS CHEAT TAXPAYERS OUT OF BENEFITS OF COMPETITION

Kanter Said "Bid Rigging Schemes That Target Local Government Contracts Cheat Taxpayers Out Of The Benefit Of Competition." "Bid-rigging schemes that target local government contracts cheat taxpayers out of the benefits of competition," said Assistant Attorney General Jonathan Kanter of the Justice Department's Antitrust Division. "This indictment affirms the division's commitment to safeguarding the integrity of the government procurement process at all levels of government." [US DOJ Press Release, [3/10/22](#)]

DOJ ANTITRUST DIVISION WON INDICTMENT OF THREE FLORIDA MEN FOR RIGGING BIDS AND DEFRAUDING THE US MILITARY

DOJ ANTITRUST DIVISION WON INDICTMENT OF THREE MEN WHO RIGGED BIDS TO DEFRAUD THE US MILITARY

DOJ Antitrust Division Won Indictment Of Three Men Who Exchanged Their Companies Bid Templates And Submitted Bids To Military Customers For Each Other, With A Pre-Arranged Winner To Get The Sales From The Bids. "The three men were identified as Lawrence O'Brien, Bruce LaRoche and Thomas Dailey. The DOJ said they worked together to rig bids for "customized promotional products" to the U.S. Army... The DOJ said the three men had "exchanged their company's bid templates and submitted bids to military customers" for each other, with a "pre-arranged winner" to get the sales from the bids. Based on the charges, the DOJ said LaRoche created and used shell companies to submit sham bids to the U.S. Military, in a 'conspiracy to defraud the United States.'" [WFLA, [4/12/22](#)]

KANTER SAID BID RIGGING AND FRAUD SCHEMES TARGETING THE MILITARY WOULD NOT BE TOLERATED, AN AFFRONT TO THE AMERICAN TAXPAYER

Kanter: “Bid-Rigging And Fraud Schemes Targeting The Military Will Not Be tolerated-Thy Are An Affront To Competition And The American Taxpayer.” “‘Bid-rigging and fraud schemes targeting the military will not be tolerated – they are an affront to competition and the American taxpayer,’ Assistant Attorney General of the Justice Department’s Antitrust Division Jonathan Kanter said. ‘Consistent with a whole-of-government approach, the Antitrust Division will continue working closely with our law enforcement partners and Procurement Collusion Strike Force to protect taxpayer funds from collusion and fraud.’” [WFLA, [4/12/22](#)]

DOJ ANTITRUST DIVISION HELPED PROTECT STRATEGIC PETROLEUM RESERVE, WON GUILTY VERDICT AGAINST MAN WHO DEFRAUDED US IN OBTAINING CONTRACTS FOR ITS OPERATION

DOJ ANTITRUST DIVISION WON GUILTY VERDICT IN CASE OF MAN WHO DEFRAUDED THE US WHILE WINNING CONTRACTS TO MANAGE THE STRATEGIC PETROLEUM RESERVE

DOJ Antitrust Division Won Guilty Verdict In Case Of Johnny C. Guillory Sr. “United States Attorney Duane A. Evans and Jonathan Kanter, Assistant Attorney General for the Antitrust Division of the Department of Justice, announced that JOHNNY C. GUILLORY, SR., age 72, of Opelousas, Louisiana, was found guilty as charged on May 18, 2022 following a three-day jury trial before the Honorable Mary Ann Vial Lemmon. The jury found GUILLORY guilty as charged in the indictment with conspiracy to defraud the United States and to violate the Procurement Integrity Act as well as making false statements to federal agents, in violation of 18 U.S.C. §§ 371 and 1001, respectively.” [US DOJ Press Release, [5/19/22](#)]

Guillory Conspired To Defraud The US By Corrupting And Impairing The Government Procurement Process While Obtaining Contracts To Help Operate The Strategic Petroleum Reserve. “According to the indictment, GUILLORY conspired with Cajan Welding & Rentals, Ltd. to defraud the United States by corrupting and impairing the government procurement process, and by obtaining non-public pricing and cost information in order to obtain subcontract awards and payments from the U.S. Department of Energy in connection with its operation of the nation’s Strategic Petroleum Reserve.” [US DOJ Press Release, [5/19/22](#)]

KANTER SAID SPR IS “ONE OF OUR NATION’S VITAL PROGRAMS” AND COLLUSION “WILL NOT BE TOLERATED”

Kanter: “Strategic Petroleum Reserve Is One Of Our Nation’s Vital Programs” And “Collusion That Destroys The Integrity Of The Procurement Process...Will Not Be Tolerated.” “‘The Strategic Petroleum Reserve is one of our nation’s vital programs, and collusion that destroys the integrity of the procurement process for government contracts will not be tolerated,’ said Assistant Attorney General Jonathan Kanter of the Justice Department’s Antitrust Division. ‘Today’s guilty verdict demonstrates that people who corrupt that process, defraud the United States, and lie about it will be held accountable. The Antitrust Division will continue to vigorously prosecute offenses that undermine competition and work with our law enforcement partners to protect taxpayer dollars.’” [US DOJ Press Release, [5/19/22](#)]

DOJ ANTITRUST DIVISION PROTECTED MILITARY AND TAXPAYER DOLLARS, WON INDICTMENT OF CONTRACTOR WHO RIGGED BIDS

DOJ INDICTED CONTRACTOR FOR RIGGING BIDS AT MILITARY INSTALLATIONS ACROSS THE COUNTRY

DOJ Antitrust Division Charged Military Contractor With Rigging Bids For Lucrative Contracts At Military Installations. “Criminal cases filed Friday in federal court in Texarkana accuse two men of

conspiracy to restrain trade by rigging bids for lucrative government contracts at Red River Army Depot. An indictment charging Aaron Stephens in the Texarkana Division of the Eastern District of Texas alleges that he and unnamed co-conspirators agreed with each other to bid on contracts, some in the millions, in such a way that it gave the false impression of competition when in fact the bidders were working together.” [Texarkana Gazette, [5/21/22](#)]

The Contractor Received More Than \$15 Million After Rigging Eight Military Contracts To Perform Work At Red River Army Depot, Sierra Army Depot, US Army Contracting Command. “As a part of two different schemes, Stephens and his co-conspirators allegedly rigged eight military contracts and received more than \$15 million from the government for those contracts. The contracts included work performed for the Red River Army Depot in Texarkana, Texas; the U.S. Army Contracting Command in Warren, Michigan; and the Sierra Army Depot in Herlong, California.” [US DOJ Press Release, [5/20/22](#)]

KANTER SAID BIG RIGGING UNDERMINES THE COMPETITIVE PROCESS AND WASTES TAXPAYER MONEY

Kanter: “Big Rigging Undermines The Competitive Process, Wastes Taxpayer Dollars And Deprives Businesses That Follow The Rules Of Fair Competition.” “U.S. taxpayers deserve to know that the government contracting process is not subverted through collusion,” said Assistant Attorney General Jonathan Kanter of the Justice Department’s Antitrust Division. “Bid rigging undermines the competitive process, wastes taxpayer dollars and deprives businesses that follow the rules of fair competition. Investigating and prosecuting this case and others involving government contracting is a top priority for the Department of Justice and all members of the Procurement Collusion Strike Force.” [Texarkana Gazette, [5/21/22](#)]

DOJ ANTITRUST DIVISION WON INDICTMENT OF MILITARY CONTRACTORS INVOLVED IN FRAUD SCHEME FOR \$7 MILLION WORTH OF CONTRACTS

US DOJ Antitrust Division Won Indictment Of Military Contractors Involved In Fraud Scheme For \$7 Million Worth Of Contracts. “A federal grand jury in the Northern District of Georgia returned an indictment charging military contractors with an alleged fraud scheme involving government contracts totaling over \$7 million. The three-count indictment charges Envistacom LLC, its President Alan Carson and a vice president Valerie Hayes, and the owner of another company, Philip Flores, each with one count of conspiracy to defraud the United States and two counts of major fraud.” [US DOJ Press Release, [6/23/22](#)]

The Contractors Were Accused of Preparing “Sham Quotes” From Other Companies To Ensure That Their Company Received Sole-Source Awards. “According to the indictment, from at least September 2014 through at least November 2016, the defendants and others conspired by preparing and procuring purported “competitive quotes” from other companies, which were sham quotes that were intentionally higher than the proposal prices and/or price quotes from Envistacom and Flores’ company to ensure the sole-source awards. The conspirators also concealed that the defendants prepared the independent government cost estimates and other procurement documents for the award of these contracts and made false statements, representations and material omissions to federal government contracting officials regarding these estimates being legitimate independent cost estimates and the sham quotes being “competitive.” [US DOJ Press Release, [6/23/22](#)]

DOJ ANTITRUST DIVISION PROTECTED TAXPAYER DOLLARS AND VETERANS, WON CONVICTION OF BUSINESSMAN WHO ILLEGALLY OBTAINED MORE THAN \$240 MILLION IN CONTRACTS MEANT FOR VETERANS

DOJ Antitrust Division Won Conviction Of Businessman Who Defrauded The Federal Government By Illegally Obtaining More Than \$240 Million In Contracts Intended For Service-Disabled Veteran-

Owned Small Businesses. “A jury has convicted San Antonio businessman Michael Angelo Padron of defrauding the federal government by illegally obtaining more than \$240 million in contracts intended for service-disabled veteran-owned small businesses.” [San Antonio Express-News, [7/7/22](#)]

The Businessman And A Co-Conspirator, Who Were Not Veterans, Concealed Their Control By Installing A Disabled Veteran As Majority Owner Of Their Company, Even Though He Didn't Pay Any Money For His Stake. “Padron and Wibracht, 48, exercised financial and operational control over the company, which disqualified them from receiving contracts designated for service-disabled veteran-owned small businesses, prosecutors said. To conceal their control, they installed Villarreal a Floresville disabled veteran who served in the Navy for 20 years as the majority owner of Blackhawk. But Villarreal, 72, didn't pay any money for the purported stake, Assistant U.S. Attorney Patrick Brown told jurors.” [San Antonio Express-News, [7/7/22](#)]

The Businessman Used Disabled Veterans As “Props And Puppets” To Win Tens Of Millions Of Dollars In Contracts That Should Have Gone To Companies Actually Run By Disabled Veterans. “Padron and his business partners used disabled veterans as ‘props and puppets’ to win tens of millions of dollars in contracts that should have gone to companies actually run by disabled veterans, Brown said.” [San Antonio Express-News, [7/7/22](#)]

Kanter: Verdict “A Victory For The Rule Of Law...Which Protects Service-Disabled Veterans From Cheaters And Schemers.” “‘Yesterday’s verdict is a victory for the rule of law,’ said Assistant Attorney General Jonathan Kanter of the Justice Department’s Antitrust Division. ‘The Antitrust Division and its Procurement Collusion Strike Force welcome this decisive outcome, which protects service-disabled veterans from cheaters and schemers.’” [US DOJ Press Release, [6/30/22](#)]

DOJ ANTITRUST DIVISION PROTECTED TAXPAYER DOLLARS, WON GUILTY PLEAS BY COMPANIES THAT COLLUDED FOR INSULATION CONTRACTS AT UNIVERSITIES AND HOSPITALS

DOJ Antitrust Division Won Guilty Pleas From Companies That Met To Determine Bids And Prices For Insulation Contracts For Various Places In Connecticut. “BC Flynn Contracting Corp. and Axion Specialty Contracting LLC both face fines of up to \$100 million, officials said. According to charging documents, representatives of BC Flynn and Axion, along with other co-conspirators, met to determine bids and prices for insulation contracts for various places in Connecticut and beyond for years.” [Middletown Press, [8/5/22](#)]

Officials Involved In The Conspiracy Shared Proposals, Estimates And Agreed To Submit Inflated Bids To Create The Appearance Of Competition, Then Used Apps To Conceal Their Communications. “Among other aspects, officials involved in the conspiracy shared proposals, estimates and other information, used apps to conceal their communications, agreed to submit inflated bids to create the appearance of competition and provided services at “collusive and noncompetitive prices,” officials said in the charging documents.” [Middletown Press, [8/5/22](#)]

The Companies Rigged Bids On Contracts For Installing Insulation Around Pipes And Ducts Around Construction Projects At Universities And Hospitals. “According to plea agreements filed yesterday in the U.S. District Court in Bridgeport, BC Flynn and Axion conspired among themselves and other companies and individuals to rig bids on contracts for installing insulation around pipes and ducts on construction projects at universities, hospitals, and other public and private entities in Connecticut.” [US DOJ Press Release, [8/4/22](#)]

Kanter: Taxpayer Funded Infrastructure Projects “Deserve To Have Contracting Processes that Are Fair And Competitive.” “‘Construction and infrastructure projects — many of them funded in whole or part by taxpayers — deserve to have contracting processes that are fair and competitive,’ said Assistant Attorney General Jonathan Kanter of the Department of Justice’s Antitrust Division. ‘The

division will work with our law enforcement partners to ensure that the individuals and corporations that defraud these projects are held fully responsible for their actions.” [US DOJ Press Release, [8/4/22](#)]

KANTER’S DOJ ANTITRUST DIVISION IS FIGHTING BACK AGAINST COMPANIES AND EXECUTIVES WHO COLLUDE TO SUPPRESS WORKER WAGES, MOBILITY

DOJ ANTITRUST DIVISION WON GUILTY PLEA FROM COMPANY HEALTH CARE STAFFING PROVIDER THAT AGREED NOT TO HIRE COMPETITOR’S NURSES

DOJ Won Guilty Plea From Health Care Staffing Provider Accused of Agreeing Not to Hire A Competitor’s Nurses. “The Justice Department is nearing its first-ever criminal win in a so-called no-poaching case, securing a guilty plea from a health-care staffing provider accused of agreeing not to hire a competitor’s nurses. Such an accord is a violation of antitrust law. The provider, Ohio-based VDA, filed Sept. 1 a notice of intent to plead guilty in USA v. Hee in the US District Court for the District of Nevada.” [Bloomberg, [9/2/22](#)]

The Company And Its Regional Manager Conspired With A Competitor To Suppress Wages And Not Hire Or Recruit Nurses Staffed By Their Companies At School Facilities In Nevada. “The DOJ sued VDA and Ryan Hee, the company’s former regional manager, in March 2021 for allegedly conspiring with a competitor to suppress wages and not hire or recruit nurses staffed by their companies at school facilities in Clark County, Nevada.” [Bloomberg, [9/2/22](#)]

The Company Agreed To Pay A \$134K Fine As Part Of A Plea Agreement in DOJ’s First Win In A No—Poaching Criminal Case. “A Las Vegas staffing company agreed Monday to pay \$134,000 as part of a plea agreement with the U.S. Department of Justice in the government’s first win in a criminal labor market antitrust case.” [Law360, [10/17/22](#)]

The Nurses The Companies Contracted With Worked With Special Needs Students At School. “Both companies contracted with nurses who provide constant care to students with complex medical needs and accompany the pupils in classrooms, hallways and on bus rides, the indictment stated.” [Law360, [10/17/22](#)]

DOJ ANTITRUST DIVISION WON INDICTMENT AGAINST EXECUTIVES OF TOP AEROSPACE COMPANIES FOR CONSPIRING TO LIMIT WORKERS’ WAGES

DOJ WON INDICTMENT OF EXECUTIVES AT SOME OF NATION’S TOP AEROSPACE COMPANIES FOR CONSPIRING TO LIMIT WORKERS’ WAGES

Dec. 2021: US DOJ Antitrust Division Won Indictment Against Aerospace Industry Executives On Charges Of Conspiring To Limit Workers’ Professional Advancement And Compensation. “A federal grand jury has indicted five aerospace executives and a former manager on charges of conspiring to limit workers’ professional advancement and compensation, the U.S. Department of Justice announced Thursday.” [Hartford Courant, [12/16/21](#)]

Those Charges Were Executives At Some “Of The Nation’s Top Aerospace Companies.” “Gary Prus, chief operating officer for the Jupiter-based Parametric Solutions, is one of six executives from some of the nation’s top aerospace companies who were charged with conspiracy in restraint of trade.” [Palm Beach Post, [2/18/22](#)]

THE CONSPIRACY AFFECTED THOUSANDS OF ENGINEERS AND OTHER SKILLED WORKERS IN THE AEROSPACE INDUSTRY

The Conspiracy Affected Thousands Of Engineers And Other Skilled Workers In The Aerospace Industry Who Design, Manufacturer And Service Aircraft Components For Commercial And Military Purposes. “The alleged conspiracy affected thousands of engineers and other skilled workers in the aerospace industry who design, manufacture and service aircraft components for commercial and military purposes, authorities say.” [Hartford Courant, [12/16/21](#)]

Kanter Said The Government Uncovered A “Widespread Scheme To Deprive Aerospace Workers Of The Ability To Plan Their Own Careers And Earn Competitive Pay.” “Jonathan Kanter, head of the DOJ’s antitrust division, in a statement last year about the case said the government uncovered a ‘widespread scheme to deprive aerospace workers of the ability to plan their own careers and earn competitive pay.’ [Reuters, [6/30/22](#)]

DOJ ANTITRUST DIVISION FOUGHT FOR ESSENTIAL WORKERS, PROSECUTED THOSE WHO SOUGHT TO SUPPRESS THEIR WAGES

US DOJ Antitrust Division Won Indictment Of Four Managers Of Home Health Care Agencies Who Allegedly Conspired To Suppress Essential Workers’ Wags During The Pandemic. “Four managers of home health care agencies in Maine were indicted by a federal grand jury this week on charges of conspiring to suppress essential workers’ wages and prevent competition during the pandemic.” [Portland Press Herald, [1/28/22](#)]

The Managers Made A Secret Pact To Pay Workers \$15-\$16/Hour Despite A Higher Reimbursement Rate By The State Meant To Increase Workers’ pay To \$20.52-\$26.2 During The Pandemic. “Federal investigators allege that Faysal Kalayaf Manahe, Yaser Aali, Ammar Alkinani and Quasim Saesah – all Portland residents who manage individual home health agencies – made a secret pact to pay workers \$15 or \$16 dollars per hour, despite a higher reimbursement rate by the state meant to increase the workers’ pay to between \$20.52 and \$26.20 during the pandemic.” [Portland Press Herald, [1/28/22](#)]

Home Health Care Workers Assist People With Daily Tasks Like Dressing, Bathing And Eating And Their Clients Are Often Elderly Or Disabled People. “Home health care workers assist people with daily tasks like dressing, bathing and eating. Their clients are often elderly or disabled or people who are otherwise unable to care for themselves...Prosecutors allege the conspiracy took place in the spring of 2020, when America was reeling from the pandemic’s mounting death toll and the sudden disruption to the world economy.” [Portland Press Herald, [1/28/22](#)]

Kanter: Home Health Care Workers “Risky Their Health Caring For Others” During The Pandemic And These Managers Conspired To Suppress Their Wage, Restrict Their Job Mobility. “A federal grand jury in Portland, Maine, returned an indictment charging four managers of home health care agencies with participating in a conspiracy to suppress the wages and restrict the job mobility of essential workers during the COVID-19 pandemic... ‘PSS workers and other essential workers risked their health caring for others at the onset of the COVID-19 pandemic,’ said Assistant Attorney General Jonathan Kanter of the Justice Department’s Antitrust Division. ‘The indictment in this case alleges that the employers of these workers colluded to deprive them of opportunities to earn better wages. The Antitrust Division and our partners will investigate and prosecute this conduct to the fullest extent of the law.’” [US DOJ Press Release, [1/28/22](#)]

The Managers Conspired To Eliminate Competition For Services Of Home Health Care Workers By Agreeing To Fix Rates, Not Hire Each Other’s Workers. “According to the one-count felony indictment filed yesterday in the U.S. District Court for the District of Maine, four Portland residents: Faysal Kalayaf Manahe; Yaser Aali; Ammar Alkinani; and Quasim Saesah — all owners and/or managers of home health care agencies — conspired to eliminate competition for the services of Personal Support Specialist (PSS) workers by agreeing to fix the rates paid to these workers and by agreeing not to hire each other’s

workers. This indictment is the first in this ongoing investigation into wage fixing and worker allocation schemes in the PSS industry." [US DOJ Press Release, [1/28/22](#)]

DOJ ANTITRUST DIVISION WON \$85 MILLION IN FINES FROM POULTRY MAKERS THAT WORKED TO SUPPRESS WAGES

July 2022: Poultry Makers Agreed To Pay \$84.8 Million To Resolve Allegations They Violated Antitrust Law By Improperly Communicating About Worker Wages And Benefits. "Cargill Inc., Sanderson Farms Inc., and Wayne Farms LLC signed an agreement with the Justice Department to pay \$84.8 million to resolve allegations that the chicken product makers violated antitrust law by improperly communicating about worker wages and benefits... The settlement, pending court approval, is federal antitrust regulators' latest action in their efforts to crack down on antitrust violations in the meat industry and expand labor-market antitrust enforcement. The DOJ collaborated with the Department of Agriculture on the action, illustrating the Biden administration's whole-of-government approach to competition issues." [Bloomberg, [7/25/22](#)]

The Agreement Also Allowed A Court-Appointed Monitor To Ensure The Companies' Compliance For The Next Decade. "The decree would also allow a court-appointed monitor to ensure their compliance for the next decade and require the companies to pay \$84.8 million collectively in restitution for poultry processing plant workers harmed by the conspiracy." [CBS Minnesota, [7/25/22](#)]