

**Appendix A: Merger Enforcement (Jun. 2021 – Present)**

**Challenged Mergers:** 10

**Abandoned Mergers:** 19 (14 during investigation / 5 post-complaint) (6 non-public)

**Consent Orders:** 16 (14 with divestitures)

**Litigation Ongoing:** 2

**Loss:** 1

**Total:** 38

No.	Date	Parties	Result	Fed. Ct.	Admin.	Industry
1	Jul. 2021	Berkshire Hathaway Energy Company / Dominion Energy	Abandoned during investigation <sup>1</sup>			Energy
2	Oct. 2021	DaVita Inc. / Total Renal Care, Inc.	Consent order and divestiture <sup>2</sup>			Healthcare
3	Nov. 2021	The Golub Corporation (d/b/a Price Chopper) / Tops Markets Corporation	Consent order and divestiture <sup>3</sup>			Retail
4	Nov. 2021	ANI Pharmaceuticals, Inc. / Novitium Pharma LLC	Consent order and divestiture <sup>4</sup>			Healthcare
5	Dec. 2021	Great Outdoors Group, LLC / Sportsman’s Warehouse Holdings, Inc.	Abandoned during investigation <sup>5</sup>			Retail
6	Dec. 2021	Nvidia Corp. / Arm Ltd.	Abandoned post-complaint <sup>6</sup>		X	Semiconductors
7	Dec. 2021	Global Partners LP / Fuel Assets	Consent order and divestiture <sup>7</sup>			Energy
8	Jan. 2022	Clean Harbors, Inc. / Vertex Energy, Inc.	Abandoned during investigation <sup>8</sup>			Energy
9	Jan. 2022	Lockheed Martin Corp. / Aerojet Rocketdyne Holdings Inc.	Abandoned post-complaint <sup>9</sup>	D.D.C.	X	Defense

No.	Date	Parties	Result	Fed. Ct.	Admin.	Industry
10	Feb. 2022	Lifespan Corp. / Care New England Health System	Abandoned post-complaint <sup>10</sup>	D.R.I.	X	Healthcare
11	Mar. 2022	EnCap Energy Capital Fund XI, L.P. / EP Energy Corp.	Consent order and divestiture <sup>11</sup>			Energy
12	Apr. 2022	Hikma Pharmaceuticals PLC / Custopharm, Inc.	Consent order <sup>12</sup>			Healthcare
13	Apr. 2022	Prince International Corporation / Ferro Corporation	Consent order and divestiture <sup>13</sup>			Chemicals
14	May 2022	Medtronic, Inc. / Intersect ENT, Inc.	Consent order and divestiture <sup>14</sup>			Healthcare
15	Jun. 2022	RWJBarnabas Health / Saint Peter's Healthcare System	Abandoned post-complaint <sup>15</sup>	D.N.J.	X	Healthcare
16	Jun. 2022	HCA Healthcare, Inc. / Steward Health Care System, LLC	Abandoned post-complaint <sup>16</sup>	D. Ut.	X	Healthcare
17	Jun. 2022	Buckeye Partners, L.P. / Magellan Midstream Partners, L.P.	Consent order and divestiture <sup>17</sup>			Energy
18	Jun. 2022	JAB Consumer Partners SCA SICAR / SAGE Veterinary Partners, LLC	Consent order and divestiture <sup>18</sup>			Healthcare
19	Jun. 2022	ARKO / Corrigan Oil Company	Consent order and divestiture <sup>19</sup>			Energy
20	Jun. 2022	JAB Consumer Partners SCA SICAR / VIPW, LLC	Consent order and divestiture <sup>20</sup>			Healthcare
21	Jul. 2022	Meta Platforms, Inc. / Within Unlimited, Inc.	Prelim. injunction denied, admin. proceedings withdrawn <sup>21</sup>	N.D. Cal.	X	Technology
22	Oct. 2022	Tractor Supply Company / Orscheln Farm and Home LLC	Consent order and divestiture <sup>22</sup>			Retail
23	Oct. 2022	[REDACTED]	Abandoned during investigation			Healthcare
24	Nov. 2022	[REDACTED]	Abandoned during investigation			Education
25	Dec. 2022	[REDACTED]	Abandoned during investigation			Energy
26	Dec. 2022	Microsoft Corp. / Activision Blizzard, Inc.	Litigation ongoing <sup>23</sup>	N.D. Cal.	X	Technology

No.	Date	Parties	Result	Fed. Ct.	Admin.	Industry
27	Feb. 2023	SUNY Upstate Medical University / Crouse Health System, Inc.	Abandoned during investigation <sup>24</sup>			Healthcare
28	Feb. 2023	Infineum USA L.P. / Entegris, Inc.	Abandoned during investigation <sup>25</sup>			Energy
29	Apr. 2023	Intercontinental Exchange, Inc. / Black Knight, Inc.	Consent order and divestiture post-complaint <sup>26</sup>	N.D. Cal.	X	Real Estate
30	Apr. 2023	████████████████████	Abandoned during investigation			Healthcare
31	Apr. 2023	CalPortland Company / Martin Marietta Materials, Inc.	Abandoned during investigation <sup>27</sup>			Cement
32	May 2023	Amgen Inc. / Horizon Therapeutics plc	Consent order post-complaint <sup>28</sup>	N.D. Ill.	X	Healthcare
33	May 2023	Boston Scientific Corp. / M.I. Tech Co., Ltd.	Abandoned during investigation <sup>29</sup>			Healthcare
34	Jul. 2023	IQVIA Holdings Inc. / Propel Media, Inc.	Litigation ongoing <sup>30</sup>	S.D.N.Y.	X	Healthcare
35	Aug. 2023	Cook Medical Holdings, LLC / Cooper Companies Inc.	Abandoned during investigation <sup>31</sup>			Healthcare
36	Aug. 2023	EQT Corporation / Quantum Energy Partners	Consent order and divestiture <sup>32</sup>			Energy
37	Oct. 2023	████████████████████	Abandoned during investigation			Healthcare
38	Oct. 2023	████████████████████	Abandoned during investigation			Houseware

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<sup>1</sup> Press Release, Fed. Trade Comm'n, Statement Regarding Berkshire Hathaway Energy's Termination of Acquisition of Dominion Energy, Inc.'s Questar Pipeline in Central Utah (July 13, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/07/statement-regarding-berkshire-hathaway-energys-termination-acquisition-dominion-energy-incs-questar>.

<sup>2</sup> Press Release, Fed. Trade Comm'n, FTC Imposes Strict Limits on DaVita, Inc.'s Future Mergers Following Proposed Acquisition of Utah Dialysis Clinics (Oct. 25, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/10/ftc-imposes-strict-limits-davita-incs-future-mergers-following-proposed-acquisition-utah-dialysis>.

<sup>3</sup> Press Release, Fed. Trade Comm'n, FTC Requires Northeast Supermarkets Price Chopper and Tops Market Corp. to Sell 12 Stores as a Condition of Merger (Nov. 9, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/11/ftc-requires-northeast-supermarkets-price-chopper-tops-market-corp-sell-12-stores-condition-merger>.

<sup>4</sup> Press Release, Fed. Trade Comm'n, FTC Requires Generic Drug Marketers ANI Pharmaceuticals, Inc. and Novitium Pharma LLC to Divest Rights and Assets to Two Generic Products as Condition of Merger (Nov. 10, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/11/ftc-requires-generic-drug-marketers-ani-pharmaceuticals-inc-novitium-pharma-llc-divest-rights-assets>.

<sup>5</sup> Press Release, Fed. Trade Comm'n, Expected Federal Trade Commission Opposition to Transaction Leads Great Outdoors Group, LLC and Rival Sportsman's Warehouse Holdings, Inc. to Abandon Plans for Proposed Merger (Dec. 3, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/12/expected-federal-trade-commission-opposition-transaction-leads-great-outdoors-group-llc-rival>.

<sup>6</sup> Press Release, Fed. Trade Comm'n, FTC Sues to Block \$40 Billion Semiconductor Chip Merger (Dec. 2, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/12/ftc-sues-block-40-billion-semiconductor-chip-merger>; Press Release, Fed. Trade Comm'n, Statement Regarding Termination of Nvidia Corp.'s Attempted Acquisition of Arm Ltd. (Feb. 14, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/02/statement-regarding-termination-nvidia-corps-attempted-acquisition-arm-ltd>.

<sup>7</sup> Press Release, Fed. Trade Comm'n, FTC Order Protects Retail Fuel Customers Following Global Partners LP's Acquisition of Wheels (Dec. 20, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/12/ftc-order-protects-retail-fuel-customers-following-global-partners-lps-acquisition-wheels>.

<sup>8</sup> Press Release, Clean Harbors, Inc., Clean Harbors and Vertex Energy Mutually Agree to Terminate Planned Acquisition of Used Motor Oil Collection and Re-Refining Assets (Jan. 25, 2022), <https://ir.cleanharbors.com/news-releases/news-release-details/clean-harbors-and-vertex-energy-mutually-agree-terminate-planned>.

<sup>9</sup> Press Release, Fed. Trade Comm'n, FTC Sues to Block Lockheed Martin Corporation's \$4.4 Billion Vertical Acquisition of Aerojet Rocketdyne Holdings Inc. (Jan. 25, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/01/ftc-sues-block-lockheed-martin-corporations-44-billion-vertical-acquisition-aerojet-rocketdyne>; Press Release, Fed. Trade Comm'n, Statement Regarding Termination of Lockheed Martin Corporation's Attempted Acquisition of Aerojet Rocketdyne Holdings Inc. (Feb. 15, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/02/statement-regarding-termination-lockheed-martin-corporations-attempted-acquisition-aerojet>.

<sup>10</sup> Press Release, Fed. Trade Comm'n, FTC and Rhode Island Attorney General Step in to Block Merger of Rhode Island's Two Largest Healthcare Providers (Feb. 17, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/02/ftc-rhode-island-attorney-general-step-block-merger-rhode-islands-two-largest-healthcare-providers>; Press Release, Fed. Trade Comm'n, Statement Regarding Termination of Attempted Merger of Rhode Island's Two Largest Healthcare Providers (Mar. 2, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/03/statement-regarding-termination-attempted-merger-rhode-islands-two-largest-healthcare-providers>.

<sup>11</sup> Press Release, Fed. Trade Comm'n, FTC Requires ENCAP to Sell Off EP Energy Corp.'s Entire Utah Oil Business amid Concerns that Deal would Increase Pain at the Pump (Mar. 25, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/03/ftc-requires-encap-sell-ep-energy-corps-entire-utah-oil-business-amid-concerns-deal-would-increase>.

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- <sup>12</sup> Press Release, Fed. Trade Comm'n, Federal Trade Commission Preserves Competition for Development and Marketing of Steroid Injectable Drug (Apr. 19, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/04/federal-trade-commission-preserves-competition-development-marketing-steroid-injectable-drug>.
- <sup>13</sup> Press Release, Fed. Trade Comm'n, FTC Requires Prince and Ferro to Sell Off Three Facilities Amid Concerns that Deal Would Increase Concentration in North American Market for Porcelain Enamel Frit (Apr. 21, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/04/ftc-requires-prince-ferro-sell-three-facilities-amid-concerns-deal-would-increase-concentration>.
- <sup>14</sup> Press Release, Fed. Trade Comm'n, FTC Acts to Protect Patients Who Rely on Medical Instruments Used in Sinus Procedures (May 10, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/05/ftc-acts-protect-patients-who-rely-medical-instruments-used-sinus-procedures>.
- <sup>15</sup> Press Release, Fed. Trade Comm'n, FTC Sues to Block Merger Between New Jersey Healthcare Rivals RWJBarnabas Health and Saint Peter's Healthcare System (Jun. 2, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-sues-block-merger-between-new-jersey-healthcare-rivals-rwjbarnabas-health-saint-peters>; Press Release, Fed. Trade Comm'n, Federal Trade Commission Opposition to Transaction Leads New Jersey Healthcare Rivals RWJBarnabas Health and Saint Peter's Healthcare System to Abandon Proposed Merger (Jun. 14, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/federal-trade-commission-opposition-transaction-leads-new-jersey-healthcare-rivals-rwjbarnabas>.
- <sup>16</sup> Press Release, Fed. Trade Comm'n, FTC Sues to Block Merger Between Utah Healthcare Rivals HCA Healthcare and Steward Health Care System (Jun. 2, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-sues-block-merger-between-utah-healthcare-rivals-hca-healthcare-steward-health-care-system>; Press Release, Fed. Trade Comm'n, Statement of Bureau of Competition Director Holly Vedova Regarding the Decision of Utah Healthcare Competitors HCA Healthcare and Steward Health Care System to Abandon Their Proposed Merger (Jun. 16, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/statement-bureau-competition-director-holly-vedova-regarding-decision-utah-healthcare-competitors>.
- <sup>17</sup> Press Release, Fed. Trade Comm'n, FTC Acts to Protect South Carolina and Alabama Markets from Anticompetitive Gasoline Terminal Deal (Jun. 2, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-acts-protect-south-carolina-alabama-markets-anticompetitive-gasoline-terminal-deal>.
- <sup>18</sup> Press Release, Fed. Trade Comm'n, FTC Acts to Protect Pet Owners from Private Equity Firm's Anticompetitive Acquisition of Veterinary Services Clinics (Jun. 13, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-acts-protect-pet-owners-private-equity-firms-anticompetitive-acquisition-veterinary-services>.
- <sup>19</sup> Press Release, Fed. Trade Comm'n, FTC Acts to Restore Competitive Markets for Gasoline and Diesel in Michigan and Ohio (Jun. 14, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-acts-restore-competitive-markets-gasoline-diesel-michigan-ohio>.
- <sup>20</sup> Press Release, Fed. Trade Comm'n, FTC Takes Second Action Against JAB Consumer Partners to Protect Pet Owners from Private Equity Firm's Rollup of Veterinary Services Clinics (Jun. 29, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/06/ftc-takes-second-action-against-jab-consumer-partners-protect-pet-owners-private-equity-firms-rollup-of-veterinary-services-clinics>.
- <sup>21</sup> Press Release, Fed. Trade Comm'n, FTC Seeks to Block Virtual Reality Giant Meta's Acquisition to Expand Virtual Reality Empire (Jul. 27, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/07/ftc-seeks-block-virtual-reality-giant-metas-acquisition-popular-app-creator-within>.
- <sup>22</sup> Press Release, Fed. Trade Comm'n, FTC Approves Consent Order Addressing Concerns Over Tractor Supply's Acquisition of Orscheln Farm and Home (Oct. 11, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/10/ftc-approves-consent-order-addressing-concerns-over-tractor-supplys-acquisition-orscheln-farm-home>.
- <sup>23</sup> Press Release, Fed. Trade Comm'n, FTC Seeks to Block Microsoft Corp.'s Acquisition of Activision Blizzard, Inc. (Dec. 8, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/12/ftc-seeks-block-microsoft-corps-acquisition-activision-blizzard-inc>.
- <sup>24</sup> Press Release, Fed. Trade Comm'n, Statement of Elizabeth Wilkins, Director of the FTC's Office of Policy Planning, on the Decision of SUNY Upstate Medical University and Crouse Health System, Inc. to Drop Their Proposed Merger (Feb. 16, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/02/statement-elizabeth-wilkins-director-ftcs-office-policy-planning-decision-suny-upstate-medical>.
- <sup>25</sup> Press Release, Infineum USA L.P., Acquisition Terminated (Feb. 16, 2023), <https://www.infineum.com/en-gb/news/acquisition-terminated/>.

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- <sup>26</sup> Press Release, Fed. Trade Comm'n, FTC Acts to Block Deal Combining the Two Top Mortgage Loan Technology Providers (Mar. 9, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/03/ftc-acts-block-deal-combining-two-top-mortgage-loan-technology-providers>; Press Release, Fed. Trade Comm'n, FTC Secures Settlement with ICE and Black Knight Resolving Antitrust Concerns in Mortgage Technology Deal (Aug. 31, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/08/ftc-secures-settlement-ice-black-knight-resolving-antitrust-concerns-mortgage-technology-deal>.
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- <sup>28</sup> Press Release, Fed. Trade Comm'n, FTC Sues to Block Biopharmaceutical Giant Amgen from Acquisition That Would Entrench Monopoly Drugs Used to Treat Two Serious Illnesses (May 16, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/05/ftc-sues-block-biopharmaceutical-giant-amgen-acquisition-would-entrench-monopoly-drugs-used-treat>; Press Release, Fed. Trade Comm'n, Biopharmaceutical Giant Amgen to Settle FTC and State Challenges to its Horizon Therapeutics Acquisition (Sep. 1, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/09/biopharmaceutical-giant-amgen-settle-ftc-state-challenges-its-horizon-therapeutics-acquisition>.
- <sup>29</sup> Press Release, Fed. Trade Comm'n, Statement Regarding the Termination of Boston Scientific Corporation's Attempted Acquisition of a Majority Stake in M.I. Tech Co., Ltd. (May 24, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/05/statement-regarding-termination-boston-scientific-corporations-attempted-acquisition-mi-tech>.
- <sup>30</sup> Press Release, Fed. Trade Comm'n, FTC Sues to Block IQVIA's Acquisition of Propel Media to Prevent Increased Concentration in Health Care Programmatic Advertising (Jul. 17, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/07/ftc-sues-block-iqvias-acquisition-propel-media-prevent-increased-concentration-health-care>.
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- <sup>32</sup> Press Release, Fed. Trade Comm'n, FTC Acts to Prevent Interlocking Directorate Arrangement, Anticompetitive Information Exchange in EQT, Quantum Energy Deal (Aug. 16, 2022), <https://www.ftc.gov/news-events/news/press-releases/2023/08/ftc-acts-prevent-interlocking-directorate-arrangement-anticompetitive-information-exchange-eqt>.