

## U.S. Antitrust Agencies Resume Early Terminations

By **Leiv Blad Jr.**, **Jeffrey Blumenfeld**, **Zarema A. Jaramillo**, and **Jack Sidorov**

The FTC **announced** today that both it and the Antitrust Division were “returning to processing requests for early terminations” but with qualifications which may significantly affect the availability of early terminations in practice. The most significant qualification was the warning that early termination “will be available on a more limited basis than has historically been the case. Specifically, it will be granted in fewer cases, and more slowly, than under normal circumstances.”

The announcement also reiterated that “early termination is not a right” and that the agencies would not relax their legal or investigation

standards for review of deals, which is consistent with our earlier **advice**. Finally, on a practical note, the agencies asked the parties not to call the Premerger Notification Office, or the working staffs, to argue for early termination.

The agencies attributed this reversal of the **position** it took two weeks ago to the success of its “temporary” e-filing program for HSR filings.

***To see our prior alerts and other material related to the pandemic, please visit the Coronavirus/ COVID-19: Facts, Insights & Resources page of our website by clicking [here](#).***

### Contacts

Please contact the listed attorneys for further information on the matters discussed herein.

#### **LEIV BLAD JR.**

Partner  
Co-Chair, Antitrust & Trade Regulation  
**T: 202.753.3820**  
[lblad@lowenstein.com](mailto:lblad@lowenstein.com)

#### **JEFFREY BLUMENFELD**

Partner  
Co-Chair, Antitrust & Trade Regulation  
**T: 202.753.3810**  
[jblumenfeld@lowenstein.com](mailto:jblumenfeld@lowenstein.com)

#### **ZAREMA A. JARAMILLO**

Partner  
**T: 202.753.3830**  
[zjaramillo@lowenstein.com](mailto:zjaramillo@lowenstein.com)

#### **JACK SIDOROV**

Senior Counsel  
**T: 202.753.3799**  
[jsidorov@lowenstein.com](mailto:jsidorov@lowenstein.com)

[NEW YORK](#)[PALO ALTO](#)[NEW JERSEY](#)[UTAH](#)[WASHINGTON, D.C.](#)

This Alert has been prepared by Lowenstein Sandler LLP to provide information on recent legal developments of interest to our readers. It is not intended to provide legal advice for a specific situation or to create an attorney-client relationship. Lowenstein Sandler assumes no responsibility to update the Alert based upon events subsequent to the date of its publication, such as new legislation, regulations and judicial decisions. You should consult with counsel to determine applicable legal requirements in a specific fact situation. Attorney Advertising.

