

## MERGER ANTITRUST LAW

LAWJ/G-1469-05  
Georgetown University Law Center  
Fall 2019

Tuesdays and Thursdays, 3:30-5:30 pm  
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### CLASS 13 WRITTEN ASSIGNMENT

#### Instructions

Submit by email by 3:30 pm on Thursday, October 17  
Send to [dale.collins@shearman.com](mailto:dale.collins@shearman.com)  
Subject line: Merger Antitrust Law: Assignment for Class 13

#### Assignment

Calls for a case brief

For this class, I would like for you to brief the Eight Circuit's opinion in Sanford Health/Mid Dakota Clinic. There are many ways to brief a case, but I would like you to organize this case brief around the following headings:

1. *Quick summary*. What did the court do?
2. *Opinion by*. Who wrote the opinion? Who joined? Any other opinions?
3. *Plaintiffs*. Who were the plaintiffs in the case?
4. *Defendants*. Who were the defendants in the case?
5. *Facts*. Give only the essential facts necessary to understand the background of the case and the claims in the complaint
6. *Complaint*. Identify the statute alleged to have been violated by briefly explain why. There should be no need for material fact development here, since you should have included the necessary facts to understand the complaint in the preceding fact section.
7. *Prayer for relief*. Explain what the plaintiff asked the trial court to do.
8. *District court findings*. Identify the findings on each element of the violation and each element of any defenses.
9. *Disposition*. Explain how the court disposed of the case
10. *Question(s) on appeal*. State the question(s) on appeal

*NB*: If an appellate decision and not all parties were involved in the appeal, you should note that when identifying the parties

11. *Standard of review.* State the standard of review for the questions on appeal<sup>1</sup>

12. *Analysis.* Organize the analysis around the questions on appeal. Explain the conclusion of the appellate court on each question by reference to the law applicable to the question, the essential factual \_\_\_\_\_

To do a good job briefing an appellate case, it may be necessary to look at the complaint or the lower court opinion to find some additional information that is important to the understanding of the case. Most of the important filings in the district and appellate courts may be found on the [Merger Antitrust Litigation](#) page on AppliedAntitrust.com.<sup>2</sup>

I have given you a head start on the following page.

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<sup>1</sup> Once this becomes second nature to you, you can drop this section.

<sup>2</sup> If necessary, search the web page for “Sanford Health”.

**FTC v. Sanford Health,**  
926 F.3d 959 (8th Cir. 2019),  
*aff'g* No. 1:17-CV-133, 2017 WL 10810016 (D.N.D. Dec. 15, 2017)

Summary: Affirming the district court's entry of a preliminary injunction under FTC Act § 13(b) to block Sanford Health's acquisition of Mid Dakota Clinic

Opinion by: Steven M. Colloton, C.J.  
Joined by Bobby E. Shepherd, C.J., and David Ryan Stras, C.J.

Plaintiffs: FTC  
State of North Dakota

Defendants: Sanford Health  
Sanford Bismarck  
Mid Dakota Clinic, P.C.

Facts: 1.

Complaint:

District court  
findings:

Disposition: Section 13(b) preliminary injunction granted

Questions on  
appeal:

Standard of review: Conclusions of law: De novo review  
Findings of fact: Clearly erroneous  
Evidentiary rulings: Abuse of discretion  
Entry of preliminary junction: Abuse of discretion<sup>3</sup>

Analysis:

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<sup>3</sup> If you need a refresher on the standards of review, look at the class notes for Unit 4: Merger Antitrust Litigation (slides 66-69).