

MERGER ANTITRUST LAW

LAW 1469
Georgetown University Law Center
Fall 2025

Tuesdays and Thursdays, 3:30 pm – 5:30 pm
Dale Collins
wdc30@georgetown.edu
www.appliedantitrust.com

CLASS 3 HOMEWORK ASSIGNMENT

Instructions

Submit by email no later than 3:30 pm on Tuesday, September 2
Send to wdc30@georgetown.edu
Subject line: Merger Antitrust Law: Assignment for Class 3
Calls for a memorandum of law to the client

Assignment

You are an associate at a large law firm working with partner Margaret Chen representing Sanford Health, one of the largest rural health systems in the United States. Sarah MacKenzie, General Counsel of Sanford Health, has asked the firm to prepare a memorandum of law analyzing the legal standards that courts apply when determining whether to grant a preliminary injunction under Section 13(b) of the FTC Act to block an acquisition. Chen has asked you to draft the memorandum. Chen asks that the memo cover the legal standard under the statute, whether and how the Section 13(b) preliminary injunction standard differs from the preliminary injunction standard under *Winter*, how the FTC is likely to argue in court how the standard should apply, and what the court is likely to do as a practical matter if presented with a such a Section 13(b) complaint. Chen notes that this is a pure memorandum of law and not to be applied to any particular transaction.

If you have any questions, send me an email.