

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 12 WRITTEN ASSIGNMENT

Instructions

Submit by email by 3:30 pm on Tuesday, September 30

Send to wdc30@georgetown.edu

Subject line: Merger Antitrust Law: Assignment for Class 12

Calls for a detailed hierarchical outline that addresses each theory of harm and each defense the court considered. Use numbered headings and subheadings (e.g., I./A./1./a.).

Examine each theory of anticompetitive harm and defenses addressed in the *H&R Block* opinion. Take the court's finding of the relevant market as given. For each theory:

1. Identify each theory in the first-level heading (e.g., Coordinated Effects, Entry Defense).
2. Give a general description of the theory (this can be a short paragraph).
3. Identify the specific legal elements or tests the *H&R Block* court considered for the theory to apply
4. Apply the theory to the *H&R Block* facts by summarizing the court's key factual findings and explaining how the court applied the legal requirements to these specific facts. Where the opinion provides numbers, include them (e.g., pre/post-merger HHI and Δ HHI; firm shares; predicted percentage price effects; diversion ranges).
5. State the court's conclusion as to whether the theory was established or the defense was successful, summarizing the court's reasoning, and noting any evidence the court found particularly persuasive or unpersuasive.
6. State whether the analysis the *H&R Block* court performed follows the modern analysis a court would perform today. If not, contrast the analysis in *H&R Block* with what the modern analysis would be. Use the formulations in the Unit 3D class notes for the elements of the modern approach of each theory of harm and defense.

In each section of each theory, add the statutes, cases, Merger Guidelines, or other authority the court cited in support. Include a parenthetical if helpful to understand the authority's applicability. Use the Bluebook citation format for each authority.

At the end of the outline, summarize the court's findings, conclusions, and dispositions of the case.

If you have any questions, please let me know.