

Hewlett Packard Enterprise /Juniper Networks

Consolidated Timeline of Major Developments and Future Schedule

The following report provides a consolidated timeline and analysis of the key milestones in the Tunney Act judicial review of the Hewlett Packard Enterprise (HPE) and Juniper Networks consent decree. This review, currently pending before Judge P. Casey Pitts in the Northern District of California, has evolved from a standard merger settlement into a highly contested proceeding involving allegations of political influence and a rare intervention by a coalition of state Attorneys General.

The schedule below details the key milestones and procedural developments of the Tunney Act review in *United States v. Hewlett Packard Enterprise Co. and Juniper Networks, Inc.*, Case No. 5:25-cv-00951-PCP.

Phase 1: Core Litigation and Settlement

- **January 30, 2025** – The Department of Justice (DOJ) files its complaint to block HPE's \$14 billion acquisition of Juniper in the Northern District of California. ¹
- **February 3, 2025** – The case is formally reassigned from Magistrate Judge Ryu to **Judge P. Casey Pitts**. ²
- **February 24, 2025** – The court enters the Electronically Stored Information (ESI) Protocol to govern the discovery of millions of documents. ³
- **March 7, 2025** – Judge Pitts sets the bench trial for July 9, 2025. ⁴
- **June 27, 2025** – On the eve of trial, the DOJ and the parties file a proposed Final Judgment and Competitive Impact Statement (CIS). ⁵
- **June 30, 2025** – The district court grants a Joint Stipulation authorizing the acquisition to close subject to the consent decree. ⁶
- **July 2, 2025** – HPE publicly announces the closing of its acquisition of Juniper Networks. ⁷
- **July 7, 2025** – HPE and Juniper file their mandatory **Section 2(g) disclosures**, certifying their communications with the government regarding the settlement. ⁸

Phase 2: Public Comment and Stay of Proceedings

- **July 10, 2025** – The DOJ publishes notice of the proposed settlement in the Federal Register, starting the 60 -day public comment period. ⁵
- **August 1, 2025** – The court begins receiving public letters of complaint regarding the settlement, which are directed to the formal DOJ comment process. ⁹
- **August 18, 2025** – Former Antitrust Division official Roger Alford delivers a

speech alleging the settlement was "perverted" by political influence. ¹⁰

- **September 8, 2025** – The comment period concludes with significant opposition from the American Economic Liberties Project (AELP) and the American Antitrust Institute (AAI).⁴
- **October 1, 2025** – The parties file a joint stipulation to **stay the case**.²
- **October 14, 2025** – A coalition of 13 state Attorneys General moves to intervene to challenge the settlement.¹²
- **October 15, 2025** – Judge Pitts stays all proceedings except for the states' motion to intervene.²

Phase 3: Intervention and Amended Decree

- **November 14, 2025** – The stay is lifted as the DOJ files its Notice of Resumed Civil Litigation Functions.²
- **November 14, 2025** – The DOJ files its Response to Public Comments and an **Amended Proposed Final Judgment (APFJ)** with enhanced remedies.⁵
- **November 18, 2025** – Judge Pitts grants the states' motion to intervene during a minute entry hearing.¹³
- **November 25, 2025** – The intervening states file a formal **Notice of Adoption of the United States' Complaint**.²
- **December 16, 2025** – Roger Alford testifies before the House Judiciary Committee regarding the alleged "pay -to-play" nature of the settlement.¹⁴
- **December 31, 2025** – The court issues a formal **"Order Re: Tunney Act Review Process,"** establishing the framework for the final evaluation of the decree.²

Phase 4: Current Status and Future Schedule

- **January 5, 2026** – The DOJ files its formal Motion for Entry of Final Judgment.¹⁵
- **January 8, 2026** – The court holds a hearing on the states' request for a hold separate order.¹³
- **January 26, 2026** – Judge Pitts issues a written order **denying the states' hold separate motion**, finding that much of the integration had already occurred.¹³
- **February 2, 2026** – The court holds a discovery hearing to address disputes between the states and the original parties.²
- **February 10, 2026** – The court issues an **Order Regarding Discovery Disputes**, ruling on the states' efforts to probe the settlement process.²
- **February 12, 2026** – The states file an **Administrative Motion to Modify the Schedule**, citing new developments related to subpoenas for former officials **Chad Mizelle** and **William Rinner**.²
- **February 17, 2026** – The court holds a status conference to address the states'

request for a modified schedule.¹⁶

- **March 23, 2026 – Anticipated Final Hearing:** The court is scheduled to hear oral arguments on the Motion for Entry of Final Judgment.

Key Procedural and Substantive Findings

Discovery Battles and High -Level Subpoenas

A defining feature of the current phase is the states' attempt to conduct discovery into the "highly unusual" circumstances of the settlement negotiations.⁸ The docket indicates that as of February 12, 2026, the states are actively pursuing testimony from senior officials, including former Chief of Staff Chad Mizelle and former Antitrust Division official William Rinner.² This has led to an impasse over the existing schedule, with the states arguing that the review cannot be completed until this evidence is secured.²

Status of the Divestiture Remedy

The settlement requires HPE to divest its "Instant On" business and license Mist AI source code.⁵ However, the actual execution of these remedies remains "frozen".¹⁷ Industry reports suggest that because the judicial review is so heavily contested, no divestiture has been finalized, and the "Instant On" unit continues to operate as a part of HPE under a "business as usual" framework until the court issues its final public-interest determination.¹⁷

Significance of the Amended Decree

The Amended Proposed Final Judgment (APFJ) introduced several key changes intended to address criticisms⁵:

- **Capability Standards:** Acquirers must now prove managerial, operational, and financial capability to compete.⁵
- **Enhanced Monitoring:** The decree strengthens the role of the monitoring trustee and explicitly allows the U.S. to seek contempt sanctions.⁵
- **Transition Support:** Transitions services for the buyer were extended to 18 months.⁵

The final decision following the March 23 hearing —should the schedule hold —will determine if these amendments are sufficient to satisfy the "public interest" or if the court will yield to the states' demands for a full evidentiary hearing.¹⁵

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