

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, *et al.*,

*Plaintiffs,*

v.

UNITEDHEALTH GROUP  
INCORPORATED, *et al.*,

*Defendants.*

Civil Action No. 1:22-cv-0481 (CJN)

**UNITEDHEALTH GROUP INCORPORATED AND CHANGE HEALTHCARE INC.’S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

UnitedHealth Group Incorporated and Change Healthcare Inc. hereby provide notice of the initial decision by the Chief Administrative Law Judge of the Federal Trade Commission (FTC) in *In re Illumina, Inc.*, No. 9401 (FTC Sept. 9, 2022) (attached as Exhibit A). In rejecting the FTC’s vertical-merger claim, the decision addresses the following relevant topics: the burden-shifting framework for Clayton Act claims (pp. 132, 194–97); the showing required for antitrust plaintiffs to establish a prima facie case (pp. 132–33, 168–170, 193–97); business incentives (pp. 173–74, 203); customer commitments (pp. 153–59, 178–88); and firewalls (pp. 185–86).

Dated: September 16, 2022

Respectfully submitted,

By: /s/ Craig S. Primis  
Craig S. Primis

Matthew J. Reilly, P.C. (D.C. Bar No. 457884)  
Craig S. Primis, P.C. (D.C. Bar No. 454796)  
Richard Cunningham (D.C. Bar. No. 1644119)  
K. Winn Allen, P.C. (D.C. Bar No. 1000590)  
T.J. McCarrick (D.C. Bar. No. 219283)

**KIRKLAND & ELLIS LLP**

1301 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
Telephone: (202) 389-5000  
Facsimile: (202) 389-5200  
matt.reilly@kirkland.com  
craig.primis@kirkland.com  
rich.cunningham@kirkland.com  
winn.allen@kirkland.com  
tj.mccarrick@kirkland.com

Alexia R. Brancato (D.C. Bar No. 1018763)

**KIRKLAND & ELLIS LLP**

600 Lexington Avenue  
New York, NY 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
alexia.brancato@kirkland.com

Charles Loughlin (D.C. Bar. No. 448219)  
Justin W. Bernick (D.C. Bar. No. 988245)

**HOGAN LOVELLS US LLP**

555 Thirteenth Street, NW  
Washington, D.C. 20004  
Telephone: (202) 637-5600  
Facsimile: (202) 637-5910  
chuck.loughlin@hoganlovells.com  
justin.bernick@hoganlovells.com

*Counsel for Defendant UnitedHealth Group  
Incorporated*

Sara Y. Razi (D.C. Bar No. 473647)  
Abram J. Ellis (D.C. Bar No. 497634)  
Nathaniel Preston Miller (D.C. Bar No.  
1021557)

**SIMPSON, THACHER & BARTLETT  
LLP**

900 G Street, NW  
Washington, DC 20001  
Telephone: (202) 636-5500  
Facsimile: (202) 636-5502  
sara.razi@stblaw.com  
aellis@stblaw.com  
preston.miller@stblaw.com

David I. Gelfand (D.C. Bar No. 416596)

Daniel P. Culley (D.C. Bar No. 988557)

**CLEARY GOTTLIEB STEEN &  
HAMILTON LLP**

2112 Pennsylvania Ave, N.W.  
Washington, DC 20037  
Telephone: (202) 974-1500  
Facsimile: (202) 974-1999  
dgelfand@cgsh.com

*Counsel for Defendant Change Healthcare  
Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 16th day of September 2022, a copy of the foregoing UnitedHealth Group Incorporated and Change Healthcare Inc.'s Notice of Supplemental Authority was electronically transmitted to the Clerk of Court using the CM/ECF system, which will transmit notification of such filing to all registered participants.

/s/ Craig S. Primis  
Craig S. Primis, P.C. (D.C. Bar No. 454796)