

Antitrust Services

Elevate your position in antitrust-related challenges with FTI Consulting, the premier partner for companies, counsel, and government across industries and continents. Our dynamic blend of proactive strategies and reactive solutions empowers clients to navigate the complexities of antitrust law more seamlessly. With a proven track record in handling some of the world's most significant antitrust investigations, litigation matters and merger reviews, our team of experts are ready to provide strategic insights and persuasive evidence in an ever-evolving regulatory framework.

In order to develop a thorough understanding of the most complex competition issues, whether for mergers & acquisitions, cartel & unilateral investigations and litigation, or compliance activities, we apply deep regulatory and technical knowledge with relevant economic theories and deliver analysis supported by persuasive empirical evidence. Our team of experts provide strategic insights and strategic communications for internal and external audiences, delivering solutions tailored to our client's specific needs.

Mergers & Acquisitions Services

Increasingly stringent requirements for obtaining merger control clearances for transactions, with many matters involving multiple jurisdictions, can often lead to highly compressed timelines that carry a significant reputational risk, penalties or "stop the clock" situations. Busy legal teams and clients need a trusted partner with deep expertise to successfully navigate and manage non-legal aspects across all facets of a transaction, promote the procompetitive side of the transaction, and protect the value of their deals.

— HOW WE CAN HELP

- Comprehensive compliance with Second Requests, SIRs and Phase II merger review procedures including global data collection and analysis and guidance on data requirements of regulatory agencies including DOJ, FTC, CCB, European Commission and CMA.
- Analysis of competitive effects of horizontal, vertical and conglomerate transactions and for comprehensive review of the transaction relative to current and future competitive dynamics.
- Application of current economic theory, advanced modeling and empirical evidence on market definition, market power, bargaining, predicted price and quality effects, and benefits for sound competitive effects assessment of vertical and horizontal transactions in working before or on behalf of antitrust authorities.
- Economic expert analysis and testimony related to evaluation of consent decrees or fix-it first arrangements in horizontal and vertical transactions; market-wide competition inquiries and comprehensive review of benefits and economic impact of transactions before state agencies.
- Assessment and management of multifaceted risks, opportunities and stakeholder relationships during M&A transactions.
- Strategic and rapid response communications support for companies facing potential or existing antitrust challenges during all deal stages.



Cartel & Unilateral Conduct Investigations and Litigation Services

The task of defending against increasingly aggressive regulators and civil antitrust actions has become more burdensome and complex globally. Our clients require a combination of technical, legal, econometric and strategic communications expertise to evaluate their risk exposures and attain resolutions with customers, investors, enforcement agencies and opponents.

As consultants, we not only help companies mitigate legal and reputational risks, and defend themselves in the court of public opinion, but we also ensure their stories are accurately represented before key internal and external stakeholders to ensure business survival and continuity. In the Americas and EMEA, we've provided expert testimony and presentations before state and federal courts, state regulatory agencies, arbitrators, and federal regulatory agencies to analyze claims and defenses in antitrust matters. We have a track record of providing successful advisory on high-profile cases, landmark investigations and precedent-setting transactions.

— HOW WE CAN HELP

- Expert testimony on behalf of defense, plaintiff and agency roles, and as a neutral party in arbitrations, on issues of collusion, monopolization, class certification, and complex matters involving the interplay between antitrust and other claims (e.g., intellectual property, contract disputes, and international trade).
- Collection, reconciliation and production of transaction and operational data.
- Targeted collection, processing and analytics-driven review of communications data across traditional (e.g., e-mail, mobile device messaging, and documents) and emerging data (e.g., social media, instant messaging, and cloud-based collaboration platforms) sources in response to regulatory and litigation requirements.
- Development of fact-based positions to assist in a company's defense, as well as support of proffer statements and plea agreements utilizing analysis of structured data.
- Development of volume of commerce scenarios to aid in mediation and settlement negotiation discussions, including complex import and export commerce calculations.
- Data and econometric analysis to assess historical pricing trends and identify patterns, market definition, volume of commerce and theories of harm to competition.
- Analysis to assess human resources and wage data in wage-fixing and no-poach matter defense.
- Financial and economic analysis of class certification issues including common impact and class-wide harm analysis.
- Design and execution of strategic advocacy program to control public narrative during investigations and develop rapid response planning in anticipation of key events/milestones.
- Design and implementation of information governance and employee training programs to aid corporations with their readiness to respond to regulatory dawn raids.

Compliance Solutions & Monitorships

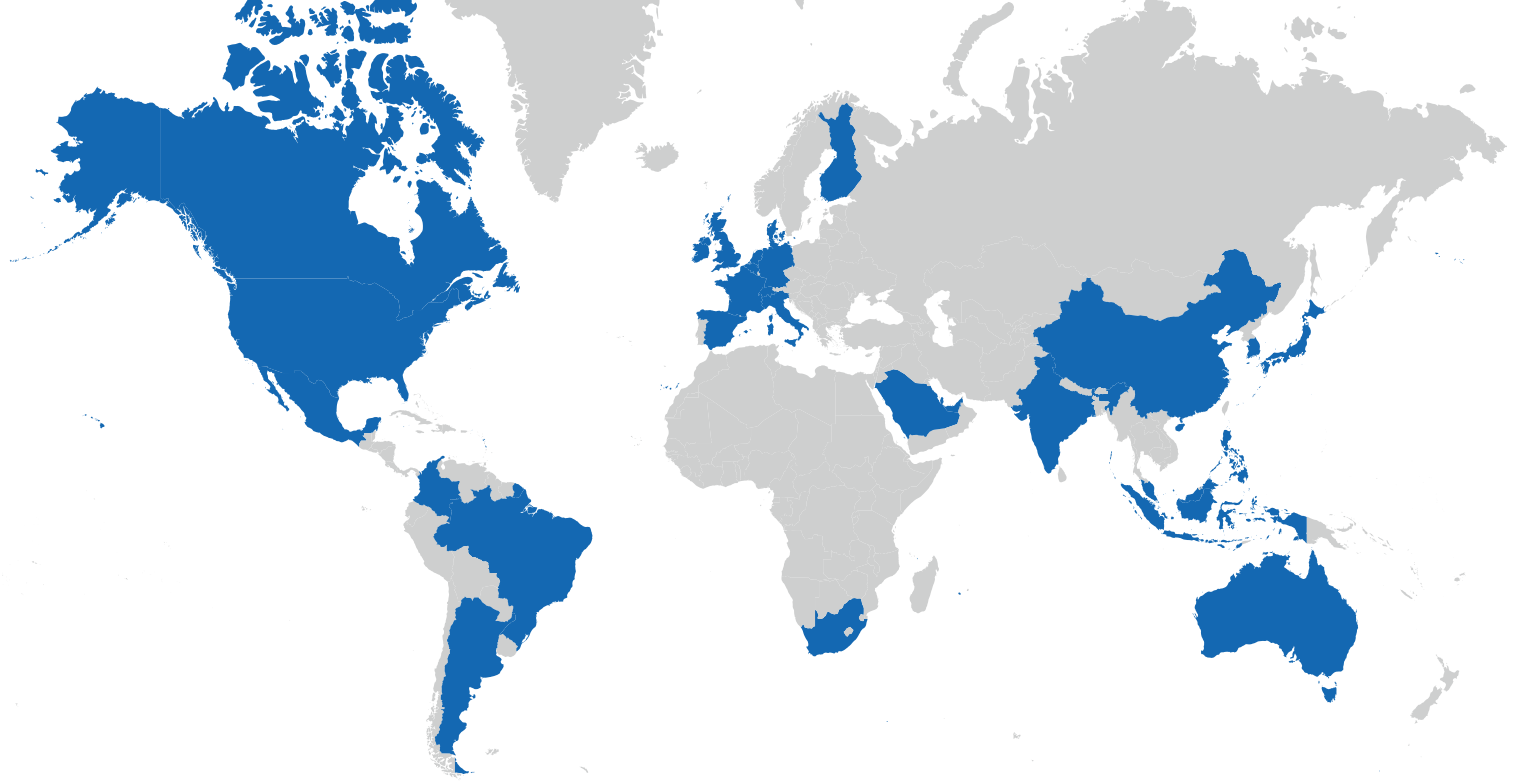
As enforcement agencies continue to emphasize the importance of comprehensive, dynamic and effective antitrust compliance programs, companies turn to FTI Consulting for objective analysis of the market risks and how effectively our clients mitigate these risks. Our technical capabilities complemented by our investigative and compliance expertise help companies develop, implement, and measure the effectiveness of their antitrust compliance programs through both qualitative and quantitative measures.

FTI Consulting's monitorship experience, extensive knowledge of antitrust laws and regulatory guidance and a global network of resources also allow us to provide comprehensive and seamless support for independent monitors following resolution of a government investigation.

— HOW WE CAN HELP

- Comprehensive risk assessment to identify an organization's current risk profile and risk appetite against market dynamics and enforcement trends.
- Qualitative and quantitative compliance culture assessment, development and implementation of culture evolution protocol and related change management and communications.
- Assistance with dawn raid readiness and response.
- Data-driven insights through proactive monitoring of ordinary course business data including:
 - Objective analyses of financial sales data to screen for possible collusive markers,
 - Review of high-risk business communications for evidence of language consistent with collusive, exclusionary or otherwise unfair conduct.
- Evaluation of global and/or local controls to assess effectiveness in deterring, preventing and detecting potential antitrust misconduct and identify gaps.
- Transaction testing to ensure compliance with company policies and procedures.
- Economic evaluation of standards used in monitoring and enforcement of proposed consent decrees and other orders.





About FTI Consulting's Antitrust Team

Our global team is comprised of former attorneys, economists, forensic accountants, data analytics experts, journalists and government officials who have worked on hundreds of high-profile cases, landmark investigations and precedent-setting transactions. We offer expert analysis, testimony and communications across various domains, providing strategic insights and solutions tailored to your specific antitrust needs. Need help managing and resolving your antitrust issues?

Contact our FTI Consulting antitrust experts at: antitrust@fticonsulting.com.

Top 50

Advisor to the world's top 50 bank holding companies

99/100

Advisor to 99 of the world's top 100 law firms

82/100

82 of Fortune Global 100 corporations are clients

8,000+

Employees Worldwide

1982

Year Founded and \$7.7B Equity Market Cap*

NYSE:FCN

Publicly traded

*Number of total shares outstanding as of October 19, 2023, by the closing price per share on October 26, 2023.

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