|  |  |  |
| --- | --- | --- |
| SEAL | **ANTITRUST DIVISION**  **WORKLOAD STATISTICS**  **FY 2010 – 2019** | SEAL |

**INVESTIGATIONS**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Investigations Initiated,  by Primary Type of Conduct[[1]](#footnote-1)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Sherman §1 - Restraint of Trade[[2]](#footnote-2) | 46 | 47 | 31 | 25 | 30 | 39 | 42 | 38 | 44 | 52 |
| Sherman §2 - Monopoly | 2 | 2 | 2 | 2 | 0 | 3 | 1 | 0 | 0 | 6 |
| Clayton §7 - Mergers | 64 | 90 | 74 | 65 | 81 | 67 | 65 | 55 | 65 | 72 |
| Others[[3]](#footnote-3) | 3 | 3 | 0 | 0 | 2 | 2 | 4 | 7 | 5 | 4 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Business Reviews** | **2010** | | **2011** | | **2012** | | **2013** | | **2014** | | **2015** | | **2016** | | **2017** | | **2018** | | **2019** | |
| Requested | 9 | | 1 | | 3 | | 3 | | 3 | | 1 | | 2 | | 4 | | 2 | | 5 | |
| Closed | 7 | | 3 | | 7 | | 5 | | 0 | | 2 | | 2 | | 2 | | 1 | | 5 | |
| * Granted | 5 | | 1 | | 1 | | 3 | | 0 | | 2 | | 1 | | 1 | | 1 | | 0 | |
| * Denied | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| * Declined | 1 | | 1 | | 0 | | 2 | | 0 | | 0 | | 0 | | 1 | | 0 | | 2 | |
| * Withdrawn | 1 | | 1 | | 6 | | 0 | | 0 | | 0 | | 1 | | 0 | | 0 | | 3 | |
| Pending | 8 | | 6 | | 2 | | 0 | | 3 | | 2 | | 2 | | 4 | | 5 | | 5 | |
| **Hart-Scott-Rodino (HSR) Premerger Notifications** | | **2010** | | **2011** | | **2012** | | **2013** | | **2014** | | **2015** | | **2016** | | **2017** | | **2018** | | **2019** | |
| Received | | 1,166 | | 1,450 | | 1,429 | | 1,326 | | 1,663 | | 1,801 | | 1,832 | | 2,052 | | 2,117 | | 2,091 | |
| HSR Investigation Initiated | | 55 | | 72 | | 62 | | 50 | | 67 | | 55 | | 50 | | 47 | | 51 | | 64 | |
| Civil Complaint Filed[[4]](#footnote-4) | | 8 | | 11 | | 7 | | 5 | | 5 | | 10 | | 11 | | 11 | | 8 | | 11 | |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Total Preliminary Inquiries:**  **Criminal, Civil Non-Merger, and Merger**[[5]](#footnote-5) | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Initiated | 109 | 128 | 96 | 81 | 100 | 98 | 98 | 80 | 93 | 101 |
| Matters that Exited the Preliminary Inquiry Phase[[6]](#footnote-6) | 133 | 152 | 101 | 100 | 94 | 99 | 97 | 83 | 96 | 106 |
| Pending | 84 | 60 | 55 | 36 | 42 | 41 | 42 | 39 | 36 | 31 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Civil Investigative Demands Issued** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Total Number | 480 | 476 | 474 | 338 | 331 | 515 | 458 | 377 | 504 | 418 |
| * Documentary | 58 | 98 | 47 | 28 | 19 | 40 | 25 | 24 | 85 | 32 |
| * Interrogatory[[7]](#footnote-7) | 2 | 3 | 16 | 18 | 10 | 60 | 12 | 0 | 5 | 0 |
| * Oral | 89 | 99 | 130 | 98 | 80 | 217 | 188 | 156 | 179 | 142 |
| * Combined Documentary/Interrogatory | 326 | 275 | 279 | 176 | 221 | 198 | 224 | 196 | 234 | 239 |
| * Combined Oral/Documentary | 5 | 1 | 2 | 18 | 1 | 0 | 9 | 1 | 1 | 5 |

**CIVIL INVESTIGATIONS**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Merger Investigations** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Total Number (HSR and Non-HSR Investigations) | 64 | 90 | 74 | 65 | 81 | 67 | 65 | 55 | 65 | 72 |
| HSR Investigations | 55 | 72 | 62 | 50 | 67 | 55 | 50 | 47 | 51 | 64 |
| * HSR Investigations: Second Requests Issued | 22 | 31 | 29 | 22 | 21 | 27 | 29 | 18 | 19 | 31 |
| Non-HSR Investigations | 9 | 18 | 12 | 15 | 14 | 12 | 15 | 8 | 14 | 8 |
| * Non-HSR Investigations: Civil Investigative Demands Issued | 6 | 6 | 7 | 4 | 5 | 5 | 3 | 4 | 3 | 3 |
| Total Civil Investigative DemandsIssued (HSR and Non-HSR Investigations) | 344 | 328 | 350 | 270 | 299 | 447 | 372 | 336 | 336 | 306 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Non-Merger Investigations** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Total Number | 26 | 17 | 8 | 10 | 7 | 15 | 12 | 6 | 16 | 18 |
| * Non-Merger Investigations: Civil Investigative Demands Issued | 12 | 9 | 7 | 5 | 6 | 9 | 7 | 6 | 12 | 9 |
| Total Civil Investigative Demands Issued in Non-Merger Investigations | 136 | 148 | 124 | 68 | 32 | 68 | 86 | 41 | 168 | 112 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Civil Investigation Results** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| **Merger Investigations:**  Total Number of Merger Challenges[[8]](#footnote-8) | 19 | 20 | 19 | 15 | 16 | 20 | 25 | 18 | 17 | 17 |
| * Complaints Filed in District Court[[9]](#footnote-9) | 10 | 13 | 8 | 7 | 7 | 10 | 15 | 11 | 9 | 11 |
| * Transactions Restructured or Abandoned Prior to Filing a Complaint | 8 | 7 | 11 | 8 | 9 | 10 | 10 | 7 | 8 | 6 |
| **Non-Merger Investigations:**  Actions Filed in District Court | 4 | 5 | 5 | 5 | 1 | 4 | 5 | 5 | 1 | 8 |

**CRIMINAL INVESTIGATIONS AND CASES**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Grand Jury Investigations** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Initiated | 12 | 17 | 12 | 13 | 16 | 21 | 23 | 25 | 27 | 38 |
| Terminated | 32 | 66 | 24 | 14 | 11 | 16 | 10 | 23 | 23 | 27 |
| Pending | 124 | 75 | 63 | 62 | 67 | 72 | 85 | 87 | 91 | 102 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Criminal Cases Filed** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Total Cases Filed | 60 | 90 | 67 | 50 | 45 | 60 | 51 | 24 | 18 | 26 |
| Individuals Charged | 63 | 82 | 63 | 34 | 44 | 66 | 52 | 27 | 28 | 15 |
| Corporations Charged | 21 | 27 | 16 | 21 | 18 | 20 | 19 | 8 | 5 | 13 |

**DISTRICT COURT ANTITRUST CASES**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TOTAL CIVIL CASES** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 14 | 18 | 13 | 12 | 8 | 14 | 20 | 16 | 10 | 19 |
| Terminated[[10]](#footnote-10) | 14 | 11 | 15 | 15 | 6 | 13 | 18 | 19 | 13 | 15 |
| * Won | 0 | 0 | 1 | 1 | 1[[11]](#footnote-11) | 1 | 0 | 3 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| * Settlement Entered | 14 | 11 | 12 | 14 | 6 | 11 | 14 | 15 | 12 | 14 |
| * Government Initiated Dismissal | 0 | 0 | 2 | 1 | 0 | 1 | 4 | 1 | 0 | 1 |
| Pending[[12]](#footnote-12) | 4 | 11 | 9 | 6 | 8 | 9 | 11 | 8 | 5 | 9 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **RESTRAINT OF TRADE – CIVIL (SHERMAN §1)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 3 | 4 | 3 | 3 | 0 | 2 | 2 | 1 | 1 | 5 |
| Terminated | 1 | 3 | 1 | 6 | 1 | 2 | 0 | 1 | 3 | 4 |
| * Won | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Settlement Entered | 1 | 3 | 1 | 5 | 1 | 1 | 0 | 1 | 3 | 4 |
| * Government Initiated Dismissal | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pending | 2 | 3 | 4 | 2 | 1 | 1 | 3 | 3 | 1 | 2 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **MONOPOLY – CIVIL (SHERMAN §2)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Terminated | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Won | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Settlement Entered | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Government Initiated Dismissal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **MERGER CASES[[13]](#footnote-13)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 10 | 13 | 8 | 7 | 7 | 10 | 15 | 11 | 9 | 11 |
| Terminated | 12 | 7 | 13 | 6 | 4 | 11 | 15 | 12 | 10 | 10 |
| * Won | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 3 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| * Settlement Entered | 12 | 7 | 10 | 6 | 4 | 10 | 11 | 8 | 9 | 9 |
| * Government Initiated Dismissal | 0 | 0 | 2 | 0 | 0 | 1 | 4 | 1 | 0 | 1 |
| Pending | 2 | 8 | 3 | 4 | 7 | 6 | 6 | 5 | 4 | 5 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **OTHER CIVIL** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 1 | 0 | 2 | 2 | 1 | 2 | 3 | 4 | 0 | 3 |
| Terminated | 1 | 0 | 1 | 3 | 1 | 0 | 3 | 6 | 0 | 1 |
| * Won | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Settlement Entered | 1 | 0 | 1 | 3 | 1 | 0 | 3 | 6 | 0 | 1 |
| * Government Initiated Dismissal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pending | 0 | 0 | 1 | 0 | 0 | 2 | 2 | 0 | 0 | 2 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TOTAL CRIMINAL CASES** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 60 | 90 | 67 | 50 | 45 | 60 | 51 | 24 | 18 | 26 |
| Won | 41 | 62 | 95 | 40 | 54 | 45 | 41 | 25 | 20 | 30 |
| Lost | 1 | 2 | 3 | 0 | 1 | 1 | 2 | 2 | 1 | 1 |
| Pending[[14]](#footnote-14) | 55 | 77 | 45 | 54 | 45 | 59 | 68 | 64 | 59 | 66 |
| Appeal Decisions | 7 | 6 | 5 | 1 | 4 | 5 | 3 | 2 | 8 | 2 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)** | **2010** | **2011** | **2012** | | **2013** | | **2014** | | **2015** | | **2016** | | **2017** | | **2018** | | **2019** | |
| Filed | 41 | 63 | 58 | | 45 | | 37 | | 54 | | 39 | | 21 | | 16 | | 25 | |
| Won | 28 | 37 | 82 | | 37 | | 45 | | 40 | | 30 | | 20 | | 20 | | 27 | |
| Lost | 0 | 0 | 0 | | 0 | | 0 | | 1 | | 1 | | 1 | | 1 | | 1 | |
| Pending[[15]](#footnote-15) | 42 | 69 | 43 | | 50 | | 42 | | 55 | | 63 | | 62 | | 55 | | 61 | |
| **OTHER CRIMINAL CASES**  **CHARGING PRIMARILY OTHER FEDERAL CRIMES SUCH AS PERJURY, MAIL FRAUD, CONTEMPT, OBSTRUCTION OF JUSTICE, OR FALSE STATEMENTS** | | **2010** | **2011** | **2012** | | **2013** | | **2014** | | **2015** | | **2016** | | **2017** | | **2018** | | **2019** | |
| Filed | | 19 | 27 | 9 | | 5 | | 8 | | 6 | | 12 | | 3 | | 2 | | 1 | |
| Won | | 13 | 25 | 13 | | 3 | | 9 | | 5 | | 11 | | 5 | | 0 | | 3 | |
| Lost | | 1 | 2 | 3 | | 0 | | 1 | | 0 | | 1 | | 1 | | 0 | | 0 | |
| Pending[[16]](#footnote-16) | | 13 | 8 | 2 | | 4 | | 3 | | 4 | | 5 | | 2 | | 4 | | 5 | |

**APPELLATE CASES**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ANTITRUST DIVISION CASES COURT OF APPEALS** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 4 | 9 | 5 | 5 | 10 | 1 | 4 | 11 | 10 | 0 |
| Terminated | 8 | 3 | 6 | 0 | 6 | 8 | 5 | 3 | 9 | 5 |
| * Won | 8 | 3 | 5 | 0 | 5 | 6 | 3 | 3 | 8 | 4 |
| * Lost | 0 | 0 | 1 | 0 | 1 | 2 | 1 | 0 | 1 | 1 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ANTITRUST DIVISION CASES**  **SUPREME COURT CERT PETITIONS[[17]](#footnote-17)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 2 | 3 | 1 | 0 | 0 | 1 | 1 | 1 | 0 | 1 |
| Terminated | 2 | 3 | 0 | 1 | 0 | 1 | 3 | 0 | 0 | 0 |
| * Won | 2 | 3 | 0 | 1 | 0 | 1 | 3 | 0 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ANTITRUST DIVISION CASES SUPREME COURT MERITS CASES[[18]](#footnote-18)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Granted | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Terminated | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| * Won | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **AMICUS CASES[[19]](#footnote-19)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 2 | 4 | 0 | 5 | 0 | 1 | 2 | 2 | 8 | 20 |
| Terminated | 2 | 1 | 0 | 0 | 3 | 2 | 1 | 2 | 3 | 8 |
| * Primary DOJ Position Accepted | 1 | 0 | 0 | 0 | 3 | 2 | 1 | 2 | 2 | 4 |
| * Primary DOJ Position Not Accepted | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **AMICUS CASES  SUPREME COURT** | | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | | **2016** | | **2017** | **2018** | | **2019** | |
| Filed | | 0 | 0 | 0 | 1 | 0 | 0 | | 2 | | 2 | 5 | | 0 | |
| Terminated | | 1 | 0 | 0 | 1 | 0 | 0 | | 2 | | 0 | 4 | | 1 | |
| * Primary DOJ Position Accepted | | 1 | 0 | 0 | 0 | 0 | 0 | | 2 | | 1 | 3 | | 0 | |
| * Primary DOJ Position Not Accepted | | 0 | 0 | 0 | 0 | 1 | 0 | | 0 | | 0 | 0 | | 1 | |
| **OTHER AGENCIES’ CASES**  **(ADMINISTRATIVE LAW CASES)**  **COURT OF APPEALS** | **2010** | **2011** | **2012** | **2013** | **2014** | | **2015** | | **2016** | **2017** | | **2018** | | **2019** |
| Filed | 29 | 21 | 28 | 15 | 19 | | 33 | | 27 | 22 | | 24 | | 14 |
| Terminated | 19 | 16 | 7 | 14 | 6 | | 14 | | 22 | 1 | | 6 | | 10 |
| * Won | 8 | 11 | 5 | 9 | 6 | | 12 | | 19 | 11 | | 20 | | 3 |
| * Lost | 4 | 1 | 0 | 2 | 0 | | 2 | | 3 | 6 | | 4 | | 2 |
| * Dismissed | 7 | 4 | 2 | 3 | 6 | | 0 | | 0 | 2 | | 1 | | 5 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **OTHER AGENCIES’ CASES**  **SUPREME COURT** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Filed | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Terminated | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Won | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| * Lost | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**JUDGMENT ENFORCEMENT**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **JUDGMENT ENFORCEMENT** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Divestitures | 9 | 8 | 7 | 4 | 9 | 9 | 8 | 9 | 9 | 8 |
| Decrees Modified/Terminated | 2 | 1 | 0 | 3 | 1 | 0 | 0 | 0 | 19[[20]](#footnote-20) | 610 |
| Contempt Cases | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **JUDGMENT ENFORCEMENT:**  **Modification/Termination Investigations[[21]](#footnote-21)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Initiated | 4 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Concluded | 2 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |
| Pending | 3 | 3 | 2 | 2 | 3 | 2 | 2 | 1 | 1 | 1 |

**CASE RESULTS**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **CRIMINAL FINES & PENALTIES IMPOSED[[22]](#footnote-22)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| **Individual:** Total Individual Fines ($000) | $4,373 | $1,522 | $2,141 | $3,069 | $2,016 | $369 | $5,245 | $1,017 | $10,795 | $2,138 |
| Number of Individuals Fined | 19 | 25 | 31 | 29 | 24 | 15 | 31 | 34 | 53 | 22 |
| **Corporate:** Total Corporate Fines & Penalties ($000) | $338,645 | $380,032 | $1,472,968 | $272,214 | $1,904,714 | $985,706 | $452,935 | $2,784,839 | $188,527 | $255,114 |
| Number of Corporations Paying Fines & Penalties | 11 | 11 | 33 | 24 | 25 | 15 | 14 | 11 | 9 | 10 |
| **Total Fines & Penalties Imposed** ($000) | $343,017 | $381,554 | 1,475,109 | $275,283 | $1,906,730 | $986,075 | $458,180 | $2,785,856 | $199,323 | $257,253 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **OTHER CASE RESULTS[[23]](#footnote-23)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Restitution Imposed in Connection with Criminal Case**s[[24]](#footnote-24)** ($000) | $24,271 | $6,377 | $3,297 | $6,883 | $1,650 | $1,310 | $7,639 | $2,161 | $4,385 | $690 |
| Number of Defendants | 18 | 25 | 28 | 17 | 10 | 7 | 19 | 31 | 50 | 12 |
| HSR Penalties($000) | $900 | $0 | $500 | $2,050 | $896 | $3,800 | $896 | $13,700 | $0 | $609.8 |
| Number of Corporations | 1 | 0 | 0 | 2 | 1 | 2 | 1 | 3 | 0 | 0 |
| Number of Individuals | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 3 | 0 | 1 |
| Disgorgements ($000)[[25]](#footnote-25) | $0 | $12,000 | $4,800 | $0 | $0 | $1,150 | $7,500 | $0 | $800[[26]](#footnote-26) | $0 |
| Civil Contempt Settlements ($000)**[[27]](#footnote-27)** | $0 | $0 | $0 | $400[[28]](#footnote-28) | $0 | $0 | $1,750 | $0 | $0 | $0 |
| Civil Damages -- Sherman §4A ($000) | $0 | $0 | $0 | $550 | $0 | $0 | $0 | $0 | $0 | $206,146.9 |
| Attorney Fees and Costs ($000) | $0 | $0 | $0 | $0 | $0 | $0 | $250 | $165 | $50 | $0 |

**CONFINEMENT**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **INCARCERATION** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Number of Individuals Sentenced | 37 | 39 | 55 | 39 | 35 | 15 | 36 | 52 | 59 | 25 |
| Number of Individuals Sentenced to Incarceration Time | 29 | 21 | 45 | 28 | 21 | 12 | 22 | 30 | 21 | 22 |
| Average Number of Days of Incarceration | 898 | 502 | 747 | 750 | 787 | 402 | 330 | 262 | 285 | 179 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **OTHER CONFINEMENT[[29]](#footnote-29)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Individuals Sentenced to Other Confinement | 6 | 12 | 4 | 5 | 7 | 2 | 5 | 19 | 21 | 3 |
| Average Number of Days of Other Confinement | 216 | 173 | 135 | 162 | 181 | 180 | 120 | 201 | 154 | 222 |

**GENERAL ANTITRUST ACTIVITIES**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **BANK MERGER APPLICATIONS[[30]](#footnote-30)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Total Applications | 379 | 428 | 519 | 511 | 544 | 595 | 559 | 529 | 502 | 475 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **INTERNATIONAL ANTITRUST ACTIVITY** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Notifications to Foreign Governments and International Organizations | 35 | 38 | 41 | 25 | 65 | 53 | 54 | 69 | 58 | 94 |
| Representation at and Negotiations with Foreign Governments and International Organizations | 30 | 41 | 37 | 35 | 36 | 42 | 48 | 46 | 91 | 174 |
| Applications for Export Trade Certificates | 11 | 6 | 7 | 10 | 6 | 8 | 10 | 6 | 6 | 7 |
| Export Trade Certificates Issued | 10 | 5 | 7 | 8 | 7 | 7 | 9 | 3 | 3 | 5 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **FILINGS IN REGULATORY AGENCY PROCEEDINGS** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Department of Transportation | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 |
| Federal Energy Regulatory Commission | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Securities and Exchange Commission | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Communications Commission | 1 | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 |
| Federal Maritime Commission | 2 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| Interstate Commerce Commission | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 8 | 3 | 1 | 2 | 2 | 0 | 2 | 2 | 0 | 0 |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **OTHER DIVISION ACTIVITIES[[31]](#footnote-31)** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| 4F Requests[[32]](#footnote-32) | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 |
| Advice on Surplus Property | 4 | 0 | 3 | 2 | 5 | 3 | 5 | 5 | 6 | 5 |
| Congressional Appearances | 5 | 1 | 2 | 2 | 3 | 1 | 0 | 0 | 0 | 3 |
| Congressional/OMB Requests for Comments | 332 | 59 | 232 | 328 | 265 | 311 | 478 | 331 | 323 | 273 |
| White House Correspondence[[33]](#footnote-33) | 2 | 2 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 1 |
| Congressional Correspondence | 71 | 78 | 130 | 81 | 69 | 41 | 65 | 43 | 48 | 64 |
| Statutory Reports | 74 | 95 | 73 | 84 | 83 | 94 | 80 | 106 | 86 | 91 |
| Joint Research & Development Filings | 20 | 12 | 21 | 11 | 16 | 32 | 22 | 18 | 10 | 16 |
| FOIA Requests | 86 | 80 | 137 | 117 | 102 | 121 | 131 | 134 | 167 | 166 |
| Privacy Act Requests | 12 | 11 | 9 | 9 | 6 | 7 | 11 | 14 | 17 | 18 |

1. Statistics reflect only the primary type of conduct under investigation at the outset of the investigation; this report does not reflect whether a matter investigated a potential violation of any additional statutes, or whether the primary violation changed during the pendency of the investigation. *See* “District Court Antitrust Cases” for numbers of cases by offense. These numbers do not include business reviews, judgment modifications or terminations, or premerger notification reviews, but do include investigations initiated as a result of premerger notifications. [↑](#footnote-ref-1)
2. This category reflects both civil and criminal investigations. [↑](#footnote-ref-2)
3. This category includes investigations of potential violations of Clayton §§ 3, 7A, and 8, the Robinson-Patman Act, and Title 18, among other statutes. [↑](#footnote-ref-3)
4. The Division may file a complaint in U.S. district court seeking to enjoin a merger transaction or it may file a complaint and proposed settlement simultaneously. This category was previously named “Number of Cases Filed.” [↑](#footnote-ref-4)
5. Every investigation, with the exception of certain criminal matters that open as grand jury investigations, opens as a preliminary inquiry. This category addresses only investigations in the civil or criminal preliminary inquiry stage. Investigations opened with the purpose of exploring judgment modifications or terminations are not included here. Judgment modifications and terminations are addressed separately in the Judgment Enforcement section. [↑](#footnote-ref-5)
6. Matters exit the preliminary inquiry phase in three ways: (1) a criminal preliminary inquiry may progress to a grand jury investigation; (2) a civil preliminary inquiry may progress to the issuance of civil process (either through the issuance of Second Requests or Civil Investigative Demands); or (3) the Division may close the inquiry. [↑](#footnote-ref-6)
7. Interrogatory Civil Investigative Demands request narrative information only. Prior to FY 2015, this category was titled “Written.” [↑](#footnote-ref-7)
8. Merger Challenges are investigations where the Division concluded that the transaction would substantially lessen competition if allowed to proceed as proposed. This includes court challenges, settlements, abandonments, and fix-it-firsts. [↑](#footnote-ref-8)
9. These statistics are the same as those reported under “District Court Antitrust Cases - Merger Cases Filed.” [↑](#footnote-ref-9)
10. “Terminated” means (1) a case was litigated to judgment in district court (won or lost); (2) the district court entered a negotiated settlement; or (3) the Division sought an administrative dismissal of the complaint after the parties resolved the competitive concerns by abandonment or negotiated settlement. A case may have more than one type of termination, e.g., one or more defendants may settle while other defendants may litigate to judgment. This definition was updated in FY 2019 and replaces the methodology previously used. The numbers for fiscal years 2010 through 2018 were recalculated using this new methodology. [↑](#footnote-ref-10)
11. In FY 2014, the Division prevailed through a litigated judgment; following the district court’s decision in that matter, the parties agreed to resolved the competitive concerns with a negotiated settlement. The litigation concluded in FY 2014, but the matter remained pending until the final judgment was entered in FY 2015. [↑](#footnote-ref-11)
12. Cases are pending until the district court has entered a final judgment for each party or the case has been dismissed. This definition was updated in FY 2019 and replaces the methodology previously used. The numbers for fiscal years 2010 through 2018 were recalculated using this new methodology. [↑](#footnote-ref-12)
13. These actions are usually brought pursuant to Section 7 of the Clayton Act, but may also be brought pursuant to Sections 1 and 2 of the Sherman Act. [↑](#footnote-ref-13)
14. Cases are pending until each defendant has pled guilty, been convicted or acquitted, or the charge(s) has been dismissed. This definition was updated in FY 2019 and replaces the methodology used to calculate fiscal years 2010 - 2018. [↑](#footnote-ref-14)
15. The is the number of pending cases charging a Sherman Act – Restraint of Trade violation. This definition was updated in FY 2019 and replaces the methodology used to calculate fiscal years 2010 - 2018. [↑](#footnote-ref-15)
16. This is the number of pending cases charging primarily other federal crimes such as perjury, mail fraud, contempt, obstruction of justice, false statements or other charges that are not Sherman §1 violations. This definition was updated in FY 2019 and replaces the methodology used to calculate fiscal years 2010 - 2018. [↑](#footnote-ref-16)
17. Cert Petitions was added to this heading starting in the FY 15 Workload Statistics and reflects petitions for certiorari filed in the United States Supreme Court arising from a Division enforcement action.  The Appellate Section is notified of all Supreme Court cases that involve the Division and works with the Solicitor General in drafting pleadings for submission to the Court. [↑](#footnote-ref-17)
18. This table was added starting with the FY 15 Workload Statistics Report and reflects appeals before the United States Supreme Court on the merits arising from a Division enforcement action [↑](#footnote-ref-18)
19. The “Amicus Cases Courts of Appeals” heading has been changed to “Amicus Cases” and includes amicus briefs and statements of interest filed in private actions pending in any court other than the United States Supreme Court. Where the Division has filed more than one brief in a single case, each brief is counted separately. A case is counted as “terminated” once a court has issued a decision not subject to appeal on the issue the amicus brief (or statement of interest) addressed. [↑](#footnote-ref-19)
20. On April 25, 2018, the Division announced an initiative to terminate outdated antitrust judgments that no longer serve to protect competition. The Division filed its first motion related to this initiative on July 9, 2018, *se*, leading to larger numbers of terminated judgments. [↑](#footnote-ref-20)
21. These are investigations opened to determine whether a judgment should be modified or terminated. [↑](#footnote-ref-21)
22. “Fines & Penalties Imposed” are the total of criminal fines and penalties imposed by courts in judgments against defendants in Antitrust Division prosecutions.  These totals do not include fines and penalties “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.  The Department tracks separately fine and penalty collection totals, see <http://www.justice.gov/atr/public/press_releases/2015/311240.htm>, which include all fines, penalties, court costs, and other fees that have been paid in satisfaction of judgments in Antitrust Division prosecutions, and which may differ from fines and penalties imposed or agreed to due to the use of payment plans.  [↑](#footnote-ref-22)
23. Dollar figures are amounts imposed during the fiscal year. [↑](#footnote-ref-23)
24. Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through separate treble damage actions filed by the victims. [↑](#footnote-ref-24)
25. Disgorgements represent the total dollar amount paid by defendants to the government as equitable relief to prevent unjust enrichment from violating the antitrust laws. [↑](#footnote-ref-25)
26. Incentive payment for failure to complete required divestitures in timely manner. [↑](#footnote-ref-26)
27. Civil contempt settlements represent the total dollar amount paid by defendants to the government to settle violations of final judgments and may include the full costs of investigation related to those violations. The settlement, in some cases, may also include disgorgement payments. [↑](#footnote-ref-27)
28. Civil contempt settlement included disgorgement of profits from the alleged violations. [↑](#footnote-ref-28)
29. Includes house arrest or confinement to a halfway house or community treatment center. [↑](#footnote-ref-29)
30. Beginning in FY 2019, this table was renamed Bank Merger Applications and the category titled “Screenings Requiring Competitive Analysis” was removed. [↑](#footnote-ref-30)
31. The category of Meetings of Interagency Task Forces/Committees was removed starting with the FY 2014 Workload Statistics Report. [↑](#footnote-ref-31)
32. This represents the number of requests to the Chief of the FOIA/Privacy Act Unit from state attorneys general for access to investigative files or other Division material pursuant to Section 4F(b) of the Clayton Act, 15 U.S.C. § 15f(b). [↑](#footnote-ref-32)
33. White House Correspondence is defined as the number of letters referred to the Division by the White House for response. [↑](#footnote-ref-33)