

Sheinberg, Samuel I.

From: [REDACTED]
Sent: Monday, November 25, 2019 1:40 PM
To: Walsh, Kathryn E.; Berg, Karen E.; Carson, Timothy; Sheinberg, Samuel I.; Whitehead, Nora; Musick, Vesselina
Subject: FW: Pull and Refile + Early Termination

From: Six, Anne
Sent: Monday, November 25, 2019 1:39:44 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Pull and Refile + Early Termination

[REDACTED]

1. Yes, the request for early termination can be made in the cover letter accompanying the refiling. Please call out that a change is being made from the original filing.

2. Yes, the refiled form should reflect the new request for early termination.

Best,
Anne

Anne K. Six
Attorney
Premerger Notification Office
Federal Trade Commission
202-326-2799 | asix@ftc.gov

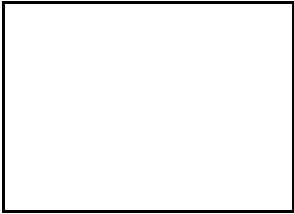
[REDACTED]

From: [REDACTED]
Sent: Monday, November 25, 2019 11:04:46 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: Pull and Refile + Early Termination

My understanding is that a party may request early termination at any time. However, I have two questions about how an acquirer should go about requesting early termination when it is pulling and refiling but its initial filing did not include a request for early termination.

1. I understand that a letter or email needs to be sent to both PNO and DOJ to request early termination after submitting a filing, but in the case of a pull and refile, can that notice of the change to early termination be in the cover letter accompanying the refiling, or does it need to be in a separate letter or email (solely about the request for early termination)?
2. Should the refiled form include the change for the request for early termination (i.e., a change from "NO" in the initial form to "YES" in the refiled form)?

Best regards,



[Redacted signature]

[Redacted signature]