

## Sheinberg, Samuel I.

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**From:** [REDACTED]  
**Sent:** Tuesday, June 11, 2019 3:01 PM  
**To:** Walsh, Kathryn E.; Berg, Karen E.; Carson, Timothy; Sheinberg, Samuel I.; Six, Anne; Olson, Eric  
**Subject:** FW: Refiling question - mechanics

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**From:** Whitehead, Nora  
**Sent:** Tuesday, June 11, 2019 3:00:36 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Refiling question - mechanics

[REDACTED]

If there are no additional documentary attachments responsive to Item 4, a new affidavit and new certification are sufficient.

Nora

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, June 11, 2019 12:56:11 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** [REDACTED]  
**Subject:** Refiling question - mechanics

Hi,

We are refiling an HSR under 16 CFR 801.12 tomorrow (with no changes to Item 4) and I have a few minor questions about mechanics:

1. The new rules suggest that the HSR form itself must be resubmitted in its entirety (the "refiled notification"). Is that the case? If so, do all attachments have to be resubmitted?

This would contradict the tip sheet for the new rules, which state:

"• The refiled notification must be received within two business days after withdrawal and include:  
o A new certification  
o A new affidavit

o Any updates to Item 4 and new attachments – **if there is nothing new to submit, only a new certification and affidavit are required**” (emphasis mine)

This suggests that the submission would include only the form itself (with new certification and affidavit), or simply the new certification and affidavit.

2. Should the form itself be resubmitted exactly as it was first submitted (with the exception of the date), including the payment information (although no new payment is required)? My client is the acquiring person.

Thanks very much.

[REDACTED]

[REDACTED]

[REDACTED]

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