

Sheinberg, Samuel I.

From: [REDACTED]
Sent: Thursday, August 20, 2020 9:58 AM
To: Walsh, Kathryn E.; Berg, Karen E.; Carson, Timothy; Sheinberg, Samuel I.; Six, Anne; Whitehead, Nora
Subject: FW: Documentary Attachment Transmittal Question

From: Musick, Vesselina
Sent: Thursday, August 20, 2020 9:57:29 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Documentary Attachment Transmittal Question

The UPE of the Acquiring Entity should submit the additional 4c/d documents through a separate FTP transfer (Accellion link) at the time the Acquiring Entity submits the HSR filing.

The UPE should include:

1. A cover letter explaining that the additional documents pertain to the HSR filing made by the Acquiring Entity on behalf of the UPE and referencing the transaction that the filing notifies
2. A 4c/d Index Supplement, referencing the 4c/d Index in the HSR filing being submitted by the Acquiring Entity and listing the additional documents numbered sequentially from where the 4c/d Index leaves off
3. The additional documents, labeled with the UPE name, filing date, and number as if they were a part of the HSR filing being submitted by the Acquiring Entity
4. A certification applying to the 4c/d Index Supplement

The Acquiring Entity may note in its cover letter that the UPE is submitting additional 4c/d documents separately.

Let us know if you have any further questions.

From: [REDACTED]
Sent: Wednesday, August 19, 2020 11:03:30 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: Documentary Attachment Transmittal Question

Hi everyone,

My client is the UPE of an acquiring entity and has authorized the acquiring entity to certify the HSR form on its behalf. However, my client has certain Item 4(c) and 4(d) documents that were not shared with the acquiring entity and therefore may choose to separately submit its 4(c)/4(d) documents to the FTC and DOJ. Can you please advise as to the logistics of doing so? Do we file only the documents, the 4(c)/4(d) index, and a certification signed by my client (the UPE)? Would we edit the certification to apply only to Items 4(c)/4(d)?

