

Sheinberg, Samuel I.

From: [REDACTED]
Sent: Tuesday, November 10, 2020 10:13 AM
To: Berg, Karen E.; Carson, Timothy; Sheinberg, Samuel I.; Six, Anne; Whitehead, Nora; Musick, Vesselina
Subject: FW: Affidavit/certification

From: Walsh, Kathryn E.
Sent: Tuesday, November 10, 2020 10:12:48 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Affidavit/certification

The signatures attest to the accuracy of the filing and you need to be certain nothing has changed if you want to rely on them.

From: [REDACTED]
Sent: Monday, November 9, 2020 3:27:23 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: Affidavit/certification

Dear HSR team:

I have a small question on affidavit/certification dates best practices and could not locate any specific guidance either in the instructions, regulations or interpretations.

There are some instances when one side is finished their HSR and have obtained dated signature pages and the other side is delayed for some reason. This leads to a situation where the signature pages could be 5-10 days earlier than the date of filing. Pre COVID and e-filing, we would sometimes leave the dates blank, hold signature pages in escrow, and then fill in at time of filing. With e-filing and people scattered, this is sometimes a bit more difficult.

Is there any issue with a 5-10 day discrepancy between signature pages and date of filing on the HSR submission? Or should we obtain fresh signature pages within 1-2 days of filing?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]