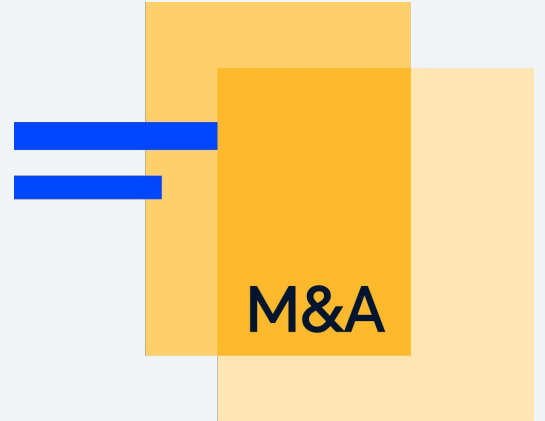


From offer to deal: HSR Second Request best practices

August 2, 2022 | 1:00pm ET





Speaker disclaimer

All views and opinions expressed by the participants in this presentation belong to the individual and do not necessarily reflect the views or opinions of the organizations they currently work for.

Agenda

01. Introductions
02. What is a Second Request?
03. Trends for global M&A enforcement
04. Common challenges of data merging
05. Recent changes to the Second Request review process and how it affects merging parties
06. How to accelerate the acquisition of cloud application data

Today's speakers



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What is a Second Request?

A [Second Request](#) is a discovery procedure by which the Federal Trade Commission or the Antitrust Division of the Justice Department investigate mergers and acquisitions which may have anticompetitive consequences.

2021 alone had 4,130 merger notifications, up 155% over the 20 year average from 2001-2020

The differences between a Second Request and an RFP



Request For Production

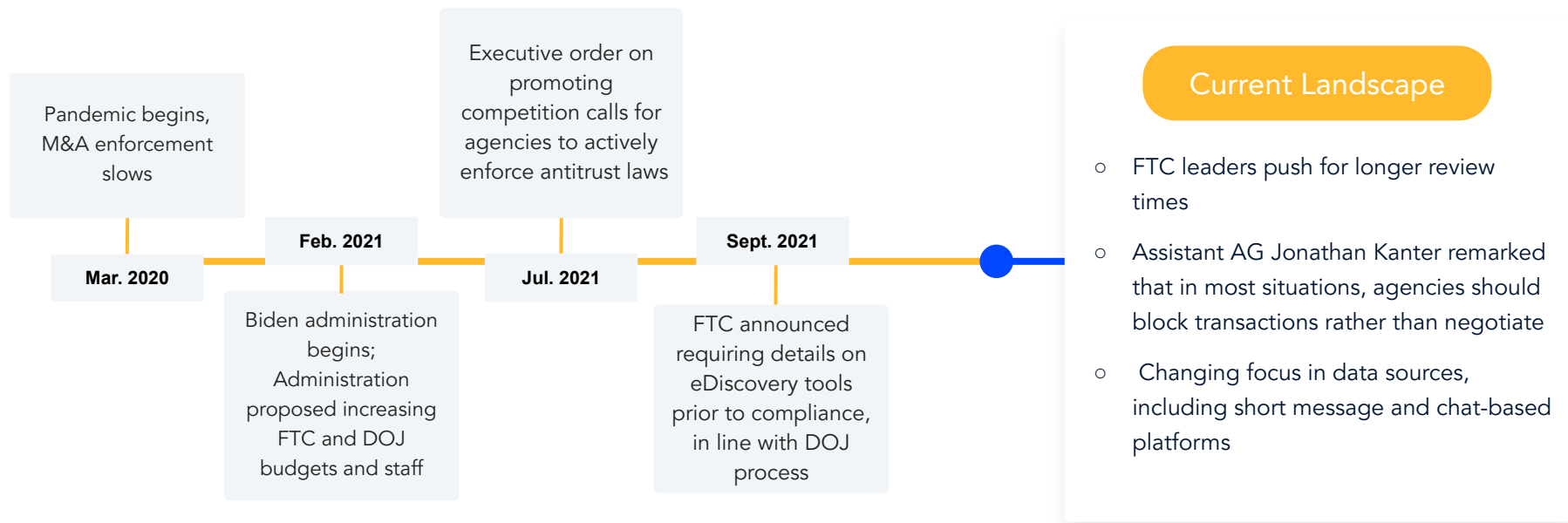
- Proportionality is Considered
- 30 / 30 / 30
- Objections
- Strategic Approach



Second Request


- Over Collecting is Common
- Shifting Scope
- Extremely Iterative Process
- TAR Considerations
- Negotiations
- Standard of Compliance

Trends for global M&A enforcement



Common challenges of data merging

Balancing legal efficiency with business efficiency



Exponential
growth of data
in the workplace

Unstructured
data that is
siloes across
sources

Manual
integration and
collection
processes;
outdated or
inefficient tech

Recent changes to the Second Request review process and how it affects merging parties

- Changes to the merger guidance in 2019 that were further revised over the course of the last year (open RFI to the general public right now)
- The increased focus on emerging data types — being able to produce chat data, cloud apps, etc.
- Long gone are the days of a linear review. There is a need for out-of-the-box tools that can bring all of these different types of data into one centralized location - it needs to be readable and already in producible format when responding to a 2nd Request, it really needs to be available real-time.

How to accelerate the acquisition of cloud application data

Speed + Control

Take stock of your tech stack

To capture the true value of the technology an enterprise uses, it's important to look at your tech stack as a connected set of applications that should work together rather than as vertical silos of information



Get to know your discovery tools

What discovery tools do you have at your disposal? Are you using TAR, CAL, Predictive Coding, etc. and how do the tools all work together?



Understand benefits, risks and limitations

Providing the requisite knowledge to understand both the benefits and risks or limitations of using technology and integrative support tools

Get started with our guides



The beginner's guide to
Microsoft Teams
eDiscovery



The beginner's guide to
Slack eDiscovery



The beginner's guide to
Zoom eDiscovery



Thank you!

Questions? Reach out to solutions@onna.com

