

MERGER ANTITRUST LAW

LAW 1469
Georgetown University Law Center
Fall 2025

Tuesdays and Thursdays, 3:30 pm – 5:30 pm
Dale Collins

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Class 12 (September 30): H&R Block/TaxACT (Unit 5)

In our final class on H&R Block/TaxACT, we will focus on the theories of anticompetitive harm and the merging parties' defenses. The goal is to deepen your familiarity with these theories, which we first reviewed in *Sanford Health*. The primary reading is the opinion's analysis of these issues (pp. 65–101).

I recommend taking a two-pass approach to this reading. First, skim the opinion to get an understanding of which theories Judge Howell addressed and how she organized her analysis. Second, read the opinion more carefully, focusing on one theory at a time. Either before or after reading the opinion's analysis of that theory, review the corresponding slides in the Unit 3D class notes (Introduction to Anticompetitive Effects and Defenses). As you complete each theory, you might want to complete the corresponding part of the outline in the Class 12 homework assignment.

I have also included excerpts from the Merger Guidelines and selected cases on coordinated effects (pages 157-185) and the elimination of a maverick (pages 187-203) in the required reading. If you have already read the Guidelines excerpts for *Sanford Health*, then skim them here as a refresher on their structure and elements. For the case excerpts, focus on (i) the elements of each theory and (ii) how the court applied those elements to the key facts. The details of the facts, however, are secondary, and there is no need for you to spend much time on them.

I will post the Class 13 homework (a past exam hypothetical) at the end of class on Tuesday. Because there is no class on Thursday, you will have a full week to complete it. There is no additional reading or class notes for this unit—use the time to refine your analysis. This work is excellent preparation for the graded homework, which I will post on October 10 and which is due on October 27. We will not review the graded homework in class, but I will post a detailed outline showing how I would approach it. If there is interest, I'll hold an optional review session on Friday, October 31.

If you have any questions, please let me know. Enjoy the weekend.