



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 2008 – 2017**



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct¹	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Sherman §1 - Restraint of Trade ²	66	70	46	47	31	25	*30	39	42	38
Sherman §2 - Monopoly	0	4	2	2	2	2	0	3	1	0
Clayton §7 - Mergers	84	68	64	90	74	65	*81	67	65	56
Others ³	21*	21*	3*	3	0*	0	2	2	4	6

Business Reviews	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Requested	8	3	9	1	3	3	3	1	2	4
Closed	6	9	7	3	7	5	0	2	2	2
• Granted	2	5	5	1	1	3	0	2	1	1

¹ Statistics reflect only the primary type of conduct under investigation at the outset of the investigation; this report does not reflect whether a matter investigated a potential violation of an additional statute(s), or whether the primary violation changed during the pendency of the investigation. See “District Court Antitrust Cases” for numbers of cases by offense. Does not include business reviews, judgment modification or termination investigations, or premerger notifications, but includes investigations initiated as a result of premerger notifications.

² This category reflects both civil and criminal investigations.

³ This category includes investigations of potential violations of Clayton §§ 3, 7A, and 8, the Robinson-Patman Act, and Title 18, among other statutes.

* Value has been restated from its previously reported value to be consistent with the definitions outlined in the footnotes to this report.

• Denied	0	0	0	0	0	0	0	0	0	0
• Declined	0	1	1	1	0	2	0	0	0	1
• Withdrawn	4	3	1	1	6	0	0	0	1	0
Pending	12	6	8	6	2	0	3	2	2	4

Hart-Scott-Rodino (HSR) Premerger Notifications	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Received	1,726	716	1,166	1,450	1,429	1,326	1,663	1,801	*1,832	2,059
HSR Investigations Initiated	70	49	55	72	62	50	67	55	51	48
Number of Cases Filed	14	6	8	11	7	5	5	10	11	11

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Initiated ⁴	147	138	109	128	96*	81	100	98	98	80
Matters that exited the Preliminary Inquiry Phase	146	150	133	152	101	100	94	99	97	83
Pending	120	108	84	60	55*	36*	42*	41	*42	39

CIDs Issued	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total number	355	510	480	476	474	338	331	515	458	377

⁴ Every investigation, with the exception of certain criminal matters that open as grand jury investigations, opens as a preliminary inquiry. Matters exit the preliminary inquiry phase by closing; in the case of criminal preliminary inquiries, becoming grand jury investigations; or in the case of civil preliminary inquiries, through the issuance of Civil Investigative Demands. This category only addresses investigations in the civil or criminal preliminary inquiry stage. Investigations opened with the purpose of exploring judgment modification or termination are not included here in the total number of preliminary inquiries initiated. Such judgment modification/termination investigations are addressed separately under the Judgment Enforcement sections.

Documentary	65	59	58	98	47	28	19	40	25	24
Interrogatory ⁵	1	7	2	3	16	18	10	60	12	0
Oral	125	132	89	99	130	98	80	217	188	156
Documentary/Interrogatory ⁶	157	302	326	275	279	176	221	198	224	196
Oral/Documentary ⁷	7	10	5	1	2	18	1	0	9	1

CIVIL INVESTIGATIONS

Merger Investigations	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total Number (HSR and Non-HSR Investigations)	84	68	64	90	74	65	*81	67	65	56
HSR Investigations	70	49	55	72	62	50	67	55	51	48
• HSR Investigations: Second Requests	20	16	22	31	29	22	21	27	29	18
Non-HSR Investigations	14	19	9	18	12	15	*14	12	14	8
• Non-HSR Investigations: CIDs Issued	2	9	6	6	*7	4	5	5	4	4
Merger CIDs Issued	205	263	344	328	350	270	299	447	372	336

Non-Merger Investigations	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total Number	24	33	26	17	8*	10	*7	15	12	5
• Non-Merger Investigations: CIDs Issued	11	20	12	9	7	5	6	9	7	6

⁵ Prior to FY 2015, Civil Investigative Demands for interrogatory responses were labeled "written."

⁶ Combined documentary and written CIDs served to one person, corporation, partnership or legal entity.

⁷ Combined oral and documentary CIDs served to one person, corporation, partnership or legal entity. Statistic is only available from FY 2005.

Non-Merger CIDs Issued	150	247	136	148	124	68	32	68	86	41
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Civil Investigation Results	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Merger Investigations: Total Number of Public Challenges	16	12	19 ⁸	20	19	15	16	20	25	18
• Actions Filed in District Court ⁹	15	7	10	13	8	7	7	10	15	11
• Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	1	5	8	7	11	8	9	10	10	7
Non-Merger Investigations: Actions Filed in District Court	4	2	4	5	5	5	1	4	5	5

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Initiated	32	38	12	17	12	13	16	21	23	25
Terminated	30	31	32	66	24	14	11	16	10	23
Pending	137	144	124	75	63	62	67	72	85	87

Criminal Cases Filed	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total Cases Filed	54	72	60	90	67	50	45	60	51	24
Individuals Charged	59	65	63	82	63	34	44	66	52	27
Corporations Charged	25	22	21	27	16	21	18	20	19	8

⁸ One action filed in District Court challenged two separate mergers, resulting in 19 merger challenges.

⁹ These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

DISTRICT COURT ANTITRUST CASES¹⁰

TOTAL CIVIL CASES	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	19	9	14	18	13	12	8	14	20	16
Terminated ¹¹	11	16	11	11	20	10	12	15	14	23
• Won	11	16	11	11	20	10	12	15	14	23
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0
Pending	21	14	17	24	17	19	15	14	21	14

RESTRAINT OF TRADE - CIVIL (SHERMAN §1)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	2	0	3	4	3	3	0	2	2	1
Terminated	2	1	1	1	2	3	5	2	1	1
• Won	2	1	1	1	2	3	5	2	1	1
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

MONOPOLY - CIVIL (SHERMAN §2)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	0	0	0	1	0	0	0	0	0	0

¹⁰ The category of Damage Actions – Civil was removed from the FY 2014 Workload Statistics Report.

¹¹ Figures are computed using the closing date of the case.

Terminated	1	0	0	0	0	2	0	0	0	0
• Won	1	0	0	0	0	2	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

MERGER CASES (CLAYTON §7)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	15	7	10	13	8	7	7	10	15	11
Terminated	8	15	9	10	12	7	5	11	13	14
• Won	8	15	9	10	12	7	5	11	13	14
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

OTHER CIVIL	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	2	2	1	0	2	2	1	2	3	4
Terminated	1	0	1	0	4	0	2	2	0	7
• Won	1	0	1	0	4	0	2	2	0	7
• Lost	0	0	0	0	0	0	0	0	0	0
• Dismissed	0	0	0	0	0	0	0	0	0	0

TOTAL CRIMINAL CASES	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	54	72	60	90	67	50	45	60	51	24
Won	47	67	41	62	95	40	54	45	41	25
Lost	4	2	1	2	3	0	1	1	2	2
Pending	57	60	55	77	45	54	45	59	68	64
Appeal Decisions	4	2	7	6	5	1	4	5	3	2

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	26	37	41	63	58	45	37	54	39	21
Won	25	29	28	37	82	37	45	40	30	20
Lost	3	2	0	0	0	0	0	1	1	1
Pending ¹²	39	45	42	69	43	50	42	55	63	62

OTHER CRIMINAL CASES Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	28	35	19	27	9	5	8	6	12	3
Won	22	38	13	25	13	3	9	5	11	5
Lost	1	0	1	2	3	0	1	0	1	1
Pending ¹³	18	15	13	8	2	4	3	4	5	2

¹² This represents the number of Cases pending identifiable as a case with a Sherman Act – Restraint of Trade violation. This updated information is as of FY 2010, and replaces the method previously used. A pending case is defined as a case whereby no defendant in a case has entered a plea of guilty or has been found guilty at trial.

¹³ This represents the number of Cases pending identifiable as charging primarily other federal crimes such as perjury, mail fraud, contempt, obstruction of justice, false statements or other charges that are not Sherman Act – Restraint of Trade violations. This updated information is as of FY 2010, and replaces the method previously used. A pending case is defined as a case whereby no defendant in a case has entered a plea of guilty or has been found guilty at trial.

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	6	1	4	9	5	5	10	1	4	11
Terminated	6	3	8	3	6	0	6	8	5	3
• Won	6	3	8	3	5	0	5	6	3	3
• Lost	0	0	0	0	1	0	1	2	1	0

ANTITRUST DIVISION CASES SUPREME COURT CERT PETITIONS¹⁴	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	0	0	2	3	1	0	0	1	1	1
Terminated	0	3	2	3	0	1	0	1	3	0
• Won	0	3	2	3	0	1	0	1	3	0
• Lost	0	0	0	0	0	0	0	0	0	0

¹⁴ Cert Petitions is added to the heading for FY 15 Workload Statistics which reflects petitions for certiorari filed in the United States Supreme Court arising from a Division enforcement action. The Appellate Section is notified of all Supreme Court cases that involve the Division and works with the Solicitor General in drafting pleadings for submission to the Court.

ANTITRUST DIVISION CASES SUPREME COURT MERITS CASES¹⁵	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Granted	0	0	0	0	0	0	0	0	0	0
Terminated	0	0	0	0	0	0	0	0	0	0
• Won	0	0	0	0	0	0	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0

AMICUS CASES COURT OF APPEALS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	0	2	2	4	0	5	0	1	2	2
Terminated	0	2	2	1	0	0	3	2	1	2
• Primary DOJ Position Accepted	0	2	1	0	0	0	3	2	1	2
• Primary DOJ Position Not Accepted	0	0	1	1	0	0	0	0	0	0

AMICUS CASES SUPREME COURT	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	2	2	0	0	0	1	0	0	2	2
Terminated	0	1	1	0	0	1	0	0	2	0
• Primary DOJ Position Accepted	0	1	1	0	0	0	0	0	2	1
• Primary DOJ Position Not Accepted	0	0	0	0	0	1	0	0	0	0

¹⁵ This is a new section added to FY 15 Workload Statistics Report which reflects appeals before the United States Supreme Court on the merits arising from a Division enforcement action.

OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	128	58	29	21	28	15	19	33	27	22
Terminated	59	44	19	16	7	14	6	14	22	1
• Won	16	24	8	11	5	9	6	12	19	11
• Lost	2	8	4	1	0	2	0	2	3	6
• Dismissed	11	12	7	4	2	3	6	0	0	2

OTHER AGENCIES' CASES SUPREME COURT	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filed	1	0	0	0	0	0	1	0	0	0
Terminated	0	0	0	0	0	0	0	0	0	0
• Won	0	0	0	0	0	0	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Divestitures	15	6	9	8	7	4	9	9	8	9
Decrees Modified/Terminated	4	3	2	1	0	3	1	0	0	0
Contempt Cases	2	1	0	0	0	1	0	0	1	0

JUDGMENT ENFORCEMENT:	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
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Modification/Termination Investigations¹⁶										
Initiated	3	1	4	0	0	0	1	0	0	0
Terminated	5	2	2	0	1	0	0	1	0	1
Pending	2	1	3	3	2	2	3	2	*2	1

CASE RESULTS¹⁷

FINES IMPOSED¹⁸	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Individual: Total Individual Fines (\$000)	1,485	605	4,373	1,522	2,141	3,069	2,016	369	5,245	1,017
Number of Individuals Fined	23	27	19	25	31	29	24	15	31	34
Corporate: Total Corporate Fines (\$000)	695,042	973,740	338,645	380,032	1,472,968	272,214	1,904,714	985,706	452,935	2,784,839
Number of Corporations Fined	12	16	11	11	33	24	25	15	14	11
Total Fines Imposed (\$000)	696,527	974,345	343,017	381,554	1,475,109	275,283	1,906,730	986,075	458,180	2,785,856

¹⁶ These are investigations to determine whether a judgment should be modified or terminated.

¹⁷ Dollar figures are amounts imposed during the fiscal year.

¹⁸ "Fines imposed" are the total of criminal fines imposed by courts in judgments against defendants in Antitrust Division prosecutions. These totals do not include fines "agreed to" by defendants in plea agreements during the fiscal year but not yet imposed by the court. The Department tracks separately fine collection totals, see http://www.justice.gov/atr/public/press_releases/2015/311240.htm, which include all fines, court costs, and other fees that have been paid in satisfaction of judgments in Antitrust Division prosecutions, and which may differ from fines imposed or agreed to due to the use of payment plans.

OTHER CASE RESULTS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Restitution Imposed in Connection with Criminal Cases¹⁹ (\$000)	5,226	17,060	24,271	6,377	3,297	6,883	1,650	1,310	7,639	2,161
Number of Defendants	8	22	18	25	28	17	10	7	19	31
HSR Penalties (\$000)	1,650	2,200	900	0	500	2,050	896	3,800	896	13,700
Number of Corporations	2	2	1	0	0	2	1	2	1	3
Number of Individuals	0	1	0	0	1	1	0	0	1	3
Disgorgements (\$000)²⁰	0	0	0	12,000	4,800	0	0	1,150	1,500	0
Civil Contempt Settlements (\$000)²¹	2,580 [^]	2,050	0	0	0	400 [^]	0	0	1,750	0

CONFINEMENT

INCARCERATION	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Number of Individuals Sentenced	31	44	37	39	55	39	35	15	36	52

¹⁹ Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

²⁰ This is a new statistic as of the FY 2014 Workload Statistics Report. Disgorgements represent the total dollar amount paid by defendants to the government as equitable relief to prevent unjust enrichment from violating the antitrust laws.

²¹ This is a new statistic as of the FY 2014 Workload Statistics Report. Civil Contempt Settlements represent the total dollar amount paid by defendants to the government to settle consent decree violations and may include the full costs of investigation related to consent decree violations. The settlement, in some cases, may also include disgorgement payments.

[^] Value includes civil contempt cases where the payment included disgorgement of profits from the alleged violations.

Number of Individuals Sentenced to Incarceration Time	19	35	29	21	45	28	21	12	22	30
Average Number of Days of Incarceration ²²	754	726	898	502	747	750	787	402	330	262

OTHER CONFINEMENT²³	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Individuals Sentenced to Other Confinement	11	9	6	12	4	5	7	2	5	19
Average Number of Days of Other Confinement ²⁴	186	244	216	173	135	162	181	180	120	201

GENERAL ANTITRUST ACTIVITIES

PARTICIPATION IN BANK MERGER PROCEEDINGS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total Screenings	656	463	379	428	519	511	544	595	559	529
Screenings Requiring Competitive Analysis ²⁵	511	342	294	341	519	511	544	595	559	529

²² This is a new statistic as of the FY 2014 Workload Statistics Report.

²³ Includes house arrest or confinement to a halfway house or community treatment center.

²⁴ This is a new statistic as of the FY 2014 Workload Statistics Report.

²⁵ As of FY 2012, the Division's practice is to conduct a competitive analysis of all bank merger applications forwarded to the Division for review, and not to draw a distinction between transactions that require competitive screening and transactions that may be competitively neutral. Previously, applications involving formations of bank holding companies did not receive the same competitive analysis and were treated separately in the workload statistics.

INTERNATIONAL ANTITRUST ACTIVITY	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Notifications to Foreign Governments and International Organizations	118	77	35	38	41	25	65	53	54	69
Representation at and Negotiations with Foreign Governments and International Organizations	41	50	30	41	37	35	36	42	48	46
Applications for Export Trade Certificates	14	6	11	6	7	10	6	8	10	6
Certificates Issued	15	5	10	5	7	8	7	7	9	3

FILINGS IN REGULATORY AGENCY PROCEEDINGS	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Department of Transportation	0	1	1	0	0	1	0	0	1	0
Federal Energy Regulatory Commission	0	0	0	0	0	0	0	0	0	1
Securities and Exchange Commission	0	0	1	1	0	0	0	0	0	0
Federal Communications Commission	0	0	1	1	0	1	2	0	0	0
Federal Maritime Commission	0	0	2	0	1	0	0	0	1	1
Interstate Commerce Commission	0	0	0	0	0	0	0	0	0	0
Other	1	4	3	1	0	0	0	0	0	0
Total	1	5	8	3	1	2	2	0	2	2

OTHER DIVISION ACTIVITIES²⁶	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
4F Requests ²⁷	1	0	1	0	0	1	1	0	0	0
Advice on Surplus Property	4	0	4	0	3	2	5	3	5	5
Congressional Appearances	2	5	5	1	2	2	3	1	0	0
Congressional/OMB Requests for Comments	571	311	332	59	232	328	265	311	478	331
White House Correspondence ²⁸	1	0	2	2	1	1	1	0	1	1
Congressional Correspondence	90	117	71	78	130	81	69	41	65	43
Statutory Reports	63	40	74	95	73	84	83	94	80	106
Joint Research & Development Filings	28	22	20	12	21	11	16	32	22	18
FOIA Requests	101	98	86	80	137	117	102	121	131	134
Privacy Act Requests	8	11	12	11	9	9	6	7	11	14

²⁶ The category of Meetings of Interagency Task Forces/Committees was removed from the FY 2014 Workload Statistics Report.

²⁷ The number of requests to the Chief of the FOIA/Privacy Act Unit from state attorneys general for access to investigative files or other Division material pursuant to Section 4F(b) of the Clayton Act, 15 U.S.C. § 15f(b).

²⁸ This is a new statistic as of the FY 2015 Workload Statistics Report. White House Correspondence is defined as the number of letters referred to the Division by the White House for response.