



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 2010 – 2019**



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct¹	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Sherman §1 - Restraint of Trade ²	46	47	31	25	30	39	42	38	44	52
Sherman §2 - Monopoly	2	2	2	2	0	3	1	0	0	6
Clayton §7 - Mergers	64	90	74	65	81	67	65	55	65	72
Others ³	3	3	0	0	2	2	4	7	5	4

Business Reviews	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Requested	9	1	3	3	3	1	2	4	2	5
Closed	7	3	7	5	0	2	2	2	1	5
• Granted	5	1	1	3	0	2	1	1	1	0
• Denied	0	0	0	0	0	0	0	0	0	0
• Declined	1	1	0	2	0	0	0	1	0	2
• Withdrawn	1	1	6	0	0	0	1	0	0	3
Pending	8	6	2	0	3	2	2	4	5	5

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 any additional statutes, or whether the primary violation changed during the pendency of the investigation. See “District Court Antitrust Cases” for numbers of cases by offense. These numbers do not include business reviews, judgment modifications or terminations, or premerger notification reviews, but do include 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.

Hart-Scott-Rodino (HSR) Premerger Notifications	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Received	1,166	1,450	1,429	1,326	1,663	1,801	1,832	2,052	2,117	2,091
HSR Investigation Initiated	55	72	62	50	67	55	50	47	51	64
Civil Complaint Filed ⁴	8	11	7	5	5	10	11	11	8	11

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger⁵	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Initiated	109	128	96	81	100	98	98	80	93	101
Matters that Exited the Preliminary Inquiry Phase ⁶	133	152	101	100	94	99	97	83	96	106
Pending	84	60	55	36	42	41	42	39	36	31

Civil Investigative Demands Issued	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Number	480	476	474	338	331	515	458	377	504	418
• Documentary	58	98	47	28	19	40	25	24	85	32
• Interrogatory ⁷	2	3	16	18	10	60	12	0	5	0
• Oral	89	99	130	98	80	217	188	156	179	142
• Combined Documentary/Interrogatory	326	275	279	176	221	198	224	196	234	239
• Combined Oral/Documentary	5	1	2	18	1	0	9	1	1	5

⁴ The Division may file a complaint in U.S. district court seeking to enjoin a merger transaction or it may file a complaint and proposed settlement simultaneously. This category was previously named “Number of Cases Filed.”

⁵ Every investigation, with the exception of certain criminal matters that open as grand jury investigations, opens as a preliminary inquiry. This category addresses only investigations in the civil or criminal preliminary inquiry stage. Investigations opened with the purpose of exploring judgment modifications or terminations are not included here. Judgment modifications and terminations are addressed separately in the Judgment Enforcement section.

⁶ Matters exit the preliminary inquiry phase in three ways: (1) a criminal preliminary inquiry may progress to a grand jury investigation; (2) a civil preliminary inquiry may progress to the issuance of civil process (either through the issuance of Second Requests or Civil Investigative Demands); or (3) the Division may close the inquiry.

⁷ Interrogatory Civil Investigative Demands request narrative information only. Prior to FY 2015, this category was titled “Written.”

CIVIL INVESTIGATIONS

Merger Investigations	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Number (HSR and Non-HSR Investigations)	64	90	74	65	81	67	65	55	65	72
HSR Investigations	55	72	62	50	67	55	50	47	51	64
• HSR Investigations: Second Requests Issued	22	31	29	22	21	27	29	18	19	31
Non-HSR Investigations	9	18	12	15	14	12	15	8	14	8
• Non-HSR Investigations: Civil Investigative Demands Issued	6	6	7	4	5	5	3	4	3	3
Total Civil Investigative Demands Issued (HSR and Non-HSR Investigations)	344	328	350	270	299	447	372	336	336	306

Non-Merger Investigations	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Number	26	17	8	10	7	15	12	6	16	18
• Non-Merger Investigations: Civil Investigative Demands Issued	12	9	7	5	6	9	7	6	12	9
Total Civil Investigative Demands Issued in Non-Merger Investigations	136	148	124	68	32	68	86	41	168	112

Civil Investigation Results	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Merger Investigations: Total Number of Merger Challenges ⁸	19	20	19	15	16	20	25	18	17	17
• Complaints Filed in District Court ⁹	10	13	8	7	7	10	15	11	9	11
• Transactions Restructured or Abandoned Prior to Filing a Complaint	8	7	11	8	9	10	10	7	8	6
Non-Merger Investigations: Actions Filed in District Court	4	5	5	5	1	4	5	5	1	8

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Initiated	12	17	12	13	16	21	23	25	27	38
Terminated	32	66	24	14	11	16	10	23	23	27
Pending	124	75	63	62	67	72	85	87	91	102

Criminal Cases Filed	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Cases Filed	60	90	67	50	45	60	51	24	18	26
Individuals Charged	63	82	63	34	44	66	52	27	28	15
Corporations Charged	21	27	16	21	18	20	19	8	5	13

⁸ Merger Challenges are investigations where the Division concluded that the transaction would substantially lessen competition if allowed to proceed as proposed. This includes court challenges, settlements, abandonments, and fix-it-firsts.

⁹ These statistics are the same as those reported under “District Court Antitrust Cases - Merger Cases Filed.”

DISTRICT COURT ANTITRUST CASES

TOTAL CIVIL CASES	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	14	18	13	12	8	14	20	16	10	19
Terminated ¹⁰	14	11	15	15	6	13	18	19	13	15
• Won	0	0	1	1	1 ¹¹	1	0	3	0	0
• Lost	0	0	0	0	0	0	0	0	1	0
• Settlement Entered	14	11	12	14	6	11	14	15	12	14
• Government Initiated Dismissal	0	0	2	1	0	1	4	1	0	1
Pending ¹²	4	11	9	6	8	9	11	8	5	9

RESTRAINT OF TRADE – CIVIL (SHERMAN §1)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	3	4	3	3	0	2	2	1	1	5
Terminated	1	3	1	6	1	2	0	1	3	4
• Won	0	0	0	1	0	1	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Settlement Entered	1	3	1	5	1	1	0	1	3	4
• Government Initiated Dismissal	0	0	0	1	0	0	0	0	0	0
Pending	2	3	4	2	1	1	3	3	1	2

¹⁰ “Terminated” means (1) a case was litigated to judgment in district court (won or lost); (2) the district court entered a negotiated settlement; or (3) the Division sought an administrative dismissal of the complaint after the parties resolved the competitive concerns by abandonment or negotiated settlement. A case may have more than one type of termination, e.g., one or more defendants may settle while other defendants may litigate to judgment. This definition was updated in FY 2019 and replaces the methodology previously used. The numbers for fiscal years 2010 through 2018 were recalculated using this new methodology.

¹¹ In FY 2014, the Division prevailed through a litigated judgment; following the district court’s decision in that matter, the parties agreed to resolved the competitive concerns with a negotiated settlement. The litigation concluded in FY 2014, but the matter remained pending until the final judgment was entered in FY 2015.

¹² Cases are pending until the district court has entered a final judgment for each party or the case has been dismissed. This definition was updated in FY 2019 and replaces the methodology previously used. The numbers for fiscal years 2010 through 2018 were recalculated using this new methodology.

MONOPOLY – CIVIL (SHERMAN §2)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	0	1	0	0	0	0	0	0	0	0
Terminated	0	1	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
• Settlement Entered	0	1	0	0	0	0	0	0	0	0
• Government Initiated Dismissal	0	0	0	0	0	0	0	0	0	0
Pending	0	0	0	0	0	0	0	0	0	0

MERGER CASES¹³	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	10	13	8	7	7	10	15	11	9	11
Terminated	12	7	13	6	4	11	15	12	10	10
• Won	0	0	1	0	1	0	0	3	0	0
• Lost	0	0	0	0	0	0	0	0	1	0
• Settlement Entered	12	7	10	6	4	10	11	8	9	9
• Government Initiated Dismissal	0	0	2	0	0	1	4	1	0	1
Pending	2	8	3	4	7	6	6	5	4	5

¹³ These actions are usually brought pursuant to Section 7 of the Clayton Act, but may also be brought pursuant to Sections 1 and 2 of the Sherman Act.

OTHER CIVIL	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	1	0	2	2	1	2	3	4	0	3
Terminated	1	0	1	3	1	0	3	6	0	1
• Won	0	0	0	0	0	0	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0
• Settlement Entered	1	0	1	3	1	0	3	6	0	1
• Government Initiated Dismissal	0	0	0	0	0	0	0	0	0	0
Pending	0	0	1	0	0	2	2	0	0	2

TOTAL CRIMINAL CASES	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	60	90	67	50	45	60	51	24	18	26
Won	41	62	95	40	54	45	41	25	20	30
Lost	1	2	3	0	1	1	2	2	1	1
Pending ¹⁴	55	77	45	54	45	59	68	64	59	66
Appeal Decisions	7	6	5	1	4	5	3	2	8	2

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	41	63	58	45	37	54	39	21	16	25
Won	28	37	82	37	45	40	30	20	20	27
Lost	0	0	0	0	0	1	1	1	1	1
Pending ¹⁵	42	69	43	50	42	55	63	62	55	61

¹⁴ Cases are pending until each defendant has pled guilty, been convicted or acquitted, or the charge(s) has been dismissed. This definition was updated in FY 2019 and replaces the methodology used to calculate fiscal years 2010 - 2018.

¹⁵ This is the number of pending cases charging a Sherman Act – Restraint of Trade violation. This definition was updated in FY 2019 and replaces the methodology used to calculate fiscal years 2010 - 2018.

OTHER CRIMINAL CASES CHARGING PRIMARILY OTHER FEDERAL CRIMES SUCH AS PERJURY, MAIL FRAUD, CONTEMPT, OBSTRUCTION OF JUSTICE, OR FALSE STATEMENTS	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	19	27	9	5	8	6	12	3	2	1
Won	13	25	13	3	9	5	11	5	0	3
Lost	1	2	3	0	1	0	1	1	0	0
Pending ¹⁶	13	8	2	4	3	4	5	2	4	5

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	4	9	5	5	10	1	4	11	10	0
Terminated	8	3	6	0	6	8	5	3	9	5
• Won	8	3	5	0	5	6	3	3	8	4
• Lost	0	0	1	0	1	2	1	0	1	1

ANTITRUST DIVISION CASES SUPREME COURT CERT PETITIONS¹⁷	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	2	3	1	0	0	1	1	1	0	1
Terminated	2	3	0	1	0	1	3	0	0	0
• Won	2	3	0	1	0	1	3	0	0	0
• Lost	0	0	0	0	0	0	0	0	0	0

¹⁶ This is the number of pending cases charging primarily other federal crimes such as perjury, mail fraud, contempt, obstruction of justice, false statements or other charges that are not Sherman §1 violations. This definition was updated in FY 2019 and replaces the methodology used to calculate fiscal years 2010 - 2018.

¹⁷ Cert Petitions was added to this heading starting in the FY 15 Workload Statistics and 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 CASES¹⁸	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Granted	0	0	0	0	0	0	0	0	0	0
Terminated	0	0	0	0	0	0	0	0	1	0
• Won	0	0	0	0	0	0	0	0	0	0
• Lost	0	0	0	0	0	0	0	0	1	0

AMICUS CASES¹⁹	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	2	4	0	5	0	1	2	2	8	20
Terminated	2	1	0	0	3	2	1	2	3	8
• Primary DOJ Position Accepted	1	0	0	0	3	2	1	2	2	4
• Primary DOJ Position Not Accepted	1	1	0	0	0	0	0	0	1	0

AMICUS CASES SUPREME COURT	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	0	0	0	1	0	0	2	2	5	0
Terminated	1	0	0	1	0	0	2	0	4	1
• Primary DOJ Position Accepted	1	0	0	0	0	0	2	1	3	0
• Primary DOJ Position Not Accepted	0	0	0	0	1	0	0	0	0	1

¹⁸ This table was added starting with the FY 15 Workload Statistics Report and reflects appeals before the United States Supreme Court on the merits arising from a Division enforcement action

¹⁹ The “Amicus Cases Courts of Appeals” heading has been changed to “Amicus Cases” and includes amicus briefs and statements of interest filed in private actions pending in any court other than the United States Supreme Court. Where the Division has filed more than one brief in a single case, each brief is counted separately. A case is counted as “terminated” once a court has issued a decision not subject to appeal on the issue the amicus brief (or statement of interest) addressed.

OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	29	21	28	15	19	33	27	22	24	14
Terminated	19	16	7	14	6	14	22	1	6	10
• Won	8	11	5	9	6	12	19	11	20	3
• Lost	4	1	0	2	0	2	3	6	4	2
• Dismissed	7	4	2	3	6	0	0	2	1	5

OTHER AGENCIES' CASES SUPREME COURT	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filed	0	0	0	0	1	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

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Divestitures	9	8	7	4	9	9	8	9	9	8
Decrees Modified/Terminated	2	1	0	3	1	0	0	0	19 ²⁰	610
Contempt Cases	0	0	0	1	0	0	1	0	0	0

²⁰ On April 25, 2018, the Division announced an initiative to terminate outdated antitrust judgments that no longer serve to protect competition. The Division filed its first motion related to this initiative on July 9, 2018, *se*, leading to larger numbers of terminated judgments.

JUDGMENT ENFORCEMENT: Modification/Termination Investigations²¹	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Initiated	4	0	0	0	1	0	0	0	0	0
Concluded	2	0	1	0	0	1	0	1	0	0
Pending	3	3	2	2	3	2	2	1	1	1

CASE RESULTS

CRIMINAL FINES & PENALTIES IMPOSED²²	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Individual: Total Individual Fines (\$000)	\$4,373	\$1,522	\$2,141	\$3,069	\$2,016	\$369	\$5,245	\$1,017	\$10,795	\$2,138
Number of Individuals Fined	19	25	31	29	24	15	31	34	53	22
Corporate: Total Corporate Fines & Penalties (\$000)	\$338,645	\$380,032	\$1,472,968	\$272,214	\$1,904,714	\$985,706	\$452,935	\$2,784,839	\$188,527	\$255,114
Number of Corporations Paying Fines & Penalties	11	11	33	24	25	15	14	11	9	10
Total Fines & Penalties Imposed (\$000)	\$343,017	\$381,554	1,475,109	\$275,283	\$1,906,730	\$986,075	\$458,180	\$2,785,856	\$199,323	\$257,253

²¹ These are investigations opened to determine whether a judgment should be modified or terminated.

²² “Fines & Penalties Imposed” are the total of criminal fines and penalties imposed by courts in judgments against defendants in Antitrust Division prosecutions. These totals do not include fines and penalties “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court. The Department tracks separately fine and penalty collection totals, see http://www.justice.gov/atr/public/press_releases/2015/311240.htm, which include all fines, penalties, court costs, and other fees that have been paid in satisfaction of judgments in Antitrust Division prosecutions, and which may differ from fines and penalties imposed or agreed to due to the use of payment plans.

OTHER CASE RESULTS²³	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Restitution Imposed in Connection with Criminal Cases ²⁴ (\$000)	\$24,271	\$6,377	\$3,297	\$6,883	\$1,650	\$1,310	\$7,639	\$2,161	\$4,385	\$690
Number of Defendants	18	25	28	17	10	7	19	31	50	12
HSR Penalties (\$000)	\$900	\$0	\$500	\$2,050	\$896	\$3,800	\$896	\$13,700	\$0	\$609.8
Number of Corporations	1	0	0	2	1	2	1	3	0	0
Number of Individuals	0	0	1	1	0	0	1	3	0	1
Disgorgements (\$000) ²⁵	\$0	\$12,000	\$4,800	\$0	\$0	\$1,150	\$7,500	\$0	\$800 ²⁶	\$0
Civil Contempt Settlements (\$000) ²⁷	\$0	\$0	\$0	\$400 ²⁸	\$0	\$0	\$1,750	\$0	\$0	\$0
Civil Damages -- Sherman §4A (\$000)	\$0	\$0	\$0	\$550	\$0	\$0	\$0	\$0	\$0	\$206,146.9
Attorney Fees and Costs (\$000)	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$165	\$50	\$0

²³ Dollar figures are amounts imposed during the fiscal year.

²⁴ Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through separate treble damage actions filed by the victims.

²⁵ Disgorgements represent the total dollar amount paid by defendants to the government as equitable relief to prevent unjust enrichment from violating the antitrust laws.

²⁶ Incentive payment for failure to complete required divestitures in timely manner.

²⁷ Civil contempt settlements represent the total dollar amount paid by defendants to the government to settle violations of final judgments and may include the full costs of investigation related to those violations. The settlement, in some cases, may also include disgorgement payments.

²⁸ Civil contempt settlement included disgorgement of profits from the alleged violations.

CONFINEMENT

INCARCERATION	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Number of Individuals Sentenced	37	39	55	39	35	15	36	52	59	25
Number of Individuals Sentenced to Incarceration Time	29	21	45	28	21	12	22	30	21	22
Average Number of Days of Incarceration	898	502	747	750	787	402	330	262	285	179

OTHER CONFINEMENT²⁹	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Individuals Sentenced to Other Confinement	6	12	4	5	7	2	5	19	21	3
Average Number of Days of Other Confinement	216	173	135	162	181	180	120	201	154	222

GENERAL ANTITRUST ACTIVITIES

BANK MERGER APPLICATIONS³⁰	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Applications	379	428	519	511	544	595	559	529	502	475

²⁹ Includes house arrest or confinement to a halfway house or community treatment center.

³⁰ Beginning in FY 2019, this table was renamed Bank Merger Applications and the category titled "Screenings Requiring Competitive Analysis" was removed.

INTERNATIONAL ANTITRUST ACTIVITY	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Notifications to Foreign Governments and International Organizations	35	38	41	25	65	53	54	69	58	94
Representation at and Negotiations with Foreign Governments and International Organizations	30	41	37	35	36	42	48	46	91	174
Applications for Export Trade Certificates	11	6	7	10	6	8	10	6	6	7
Export Trade Certificates Issued	10	5	7	8	7	7	9	3	3	5

FILINGS IN REGULATORY AGENCY PROCEEDINGS	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Department of Transportation	1	0	0	1	0	0	1	0	0	0
Federal Energy Regulatory Commission	0	0	0	0	0	0	0	1	0	0
Securities and Exchange Commission	1	1	0	0	0	0	0	0	0	0
Federal Communications Commission	1	1	0	1	2	0	0	0	0	0
Federal Maritime Commission	2	0	1	0	0	0	1	1	0	0
Interstate Commerce Commission	0	0	0	0	0	0	0	0	0	0
Other	3	1	0	0	0	0	0	0	0	0
Total	8	3	1	2	2	0	2	2	0	0

OTHER DIVISION ACTIVITIES³¹	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
4F Requests ³²	1	0	0	1	1	0	0	0	0	0
Advice on Surplus Property	4	0	3	2	5	3	5	5	6	5
Congressional Appearances	5	1	2	2	3	1	0	0	0	3
Congressional/OMB Requests for Comments	332	59	232	328	265	311	478	331	323	273
White House Correspondence ³³	2	2	1	1	1	0	1	1	1	1
Congressional Correspondence	71	78	130	81	69	41	65	43	48	64
Statutory Reports	74	95	73	84	83	94	80	106	86	91
Joint Research & Development Filings	20	12	21	11	16	32	22	18	10	16
FOIA Requests	86	80	137	117	102	121	131	134	167	166
Privacy Act Requests	12	11	9	9	6	7	11	14	17	18

³¹ The category of Meetings of Interagency Task Forces/Committees was removed starting with the FY 2014 Workload Statistics Report.

³² This represents 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).

³³ White House Correspondence is defined as the number of letters referred to the Division by the White House for response.