

## Second Requests

# Merging experience & trust for corporate combinations



### Whether you are seeking to

- navigate through an FTC investigation, DOJ Hart-Scott-Rodino filing, or related Second Request
- negotiate and respond to government regulators regarding scope and timing of response
- obtain advice regarding production formats, privilege log requirements and other ESI-related parameters
- process and host large volumes of data requiring customizable culling and support across multiple law firm users
- manage, staff, and train document review teams and workflows

our team can guide you step by step.

### Filling the accountability and quality control gap

- Routinely assist clients and their transaction counsel with negotiating and responding to HSR and related Second Requests
- Experienced teams effectively manage discovery-related issues, allowing in-house and outside counsel to focus on details of the transaction
- Approach combines in-depth knowledge of offensive and defensive discovery tactics
- Proven project management practices and strategic use of technology save time and money

### Multidisciplinary team integrates with in-house and transaction counsel teams

- Partner-level attorneys with focused e-discovery practices

### Related Capabilities

Cybersecurity & Data Breach Response

Data Collection, Processing & Production

E-Discovery & Review Counsel – Investigations

E-Discovery & Review Counsel – Litigation

Enterprise Data & Mobile Device

Enterprise E-Discovery Counsel

Hosting & Migration

Litigation Readiness

Predictive Coding & Analytics

Records & Information Governance

Review

Strategic Advocacy

- Project managers with legal degrees and experience managing large-scale discovery reviews
- Technologists certified in market-leading software platforms including Relativity and Nuix
- Dedicated team of analytics professionals
- Seasoned review professionals with experience in responsiveness and privilege reviews, redaction, and building privilege logs in accordance with DOJ requirements

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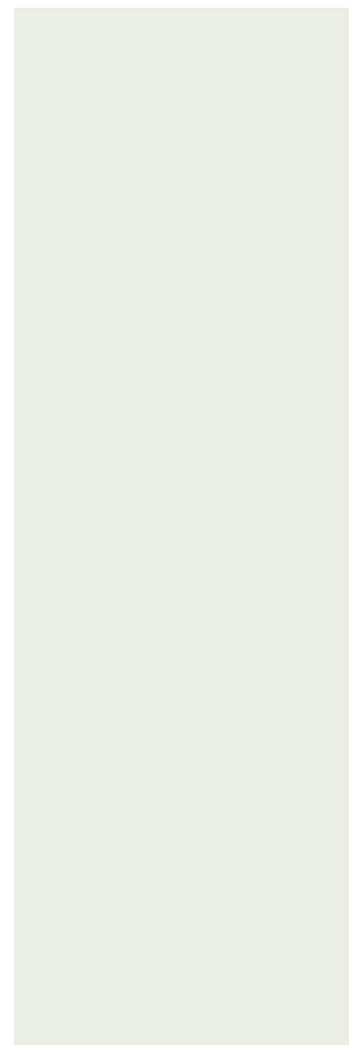
## Partnering with Corporations and Law Firms alike

- Serve as e-discovery and review counsel for large DOJ investigations across a variety of industries, including insurance, manufacturing, and healthcare
- Serve as e-discovery and review counsel alongside other Am Law 100 firms serving as transaction counsel

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## Our team directly handles discovery-related issues to help clients and co-counsel navigate the HSR Second Request process by

- Negotiating with government regulators regarding scope, timing, production format, privilege log requirements, and other ESI-related parameters
- Identifying relevant data sources and custodians, conducting custodian interviews, and coordinating forensically sound, prioritized collection
- Implementing advanced analytics and efficiency strategies to reduce review volumes and target responsive content
- Staffing, training, and managing document review and production work flows, and preparation of privilege logs that satisfy regulatory scrutiny



## Why Nelson Mullins Encompass?

- Enterprise e-discovery counsel for large companies in highly-regulated industries
- Business-minded litigators who are sensitive to ongoing litigation matters and potential business interruptions
- Experienced team who negotiates directly with government regulators on scope of discovery, production formats, and privilege issues
- Ability to quickly scale high-quality, experienced resources to handle large data volumes and short response timelines
- Efficient integration with transaction counsel
- Value-driven, predictable fees

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Represented major healthcare insurer in connection with its responses to DOJ Hart-Scott-Rodino regarding a planned merger transaction, including negotiating discovery and production requirements with the Department of Justice, conducting custodian interviews and data collection, addressing privilege challenges, and performing discovery-related reviews and production.
- Represented transportation manufacturer involving collection of both domestic and international data, extensive custodian interviews, negotiation with the Department of Justice on appropriate culling strategy and methodology, and preparation and defense of depositions taken by the Department of Justice during the investigation period.
- In a recent matter, our team collected and processed over 4.75 TB/65 million files, with productions exceeding 4.2 million documents (18 million pages), along with a 9,000 page privilege log.
- Utilizing technology assisted review and other analytical tools for culling and review in another matter, we produced 550,000 documents (2.5 million pages) to the Department of Justice on an expedited time frame.