

Merging Parties Triumph in Fast-Moving, Document-Intensive Second Request

The proliferation of electronic data presents a significant obstacle in a government antitrust merger investigation. In this case, approximately 12 million pages were produced on time and within budget.

The Situation

When a Top 200 law firm representing a Fortune 100 company merging with another organization was served with a Second Request by the Bureau of Competition at the Federal Trade Commission (FTC), it turned to Kroll Ontrack to assist in the high-stakes electronic document production.

As in many of these deals, the timelines were tight. Upon notification, the merging organization had only six weeks to produce documents to the government agency. Looking for the fastest way to ensure a successful Second Request outcome, the law firm sought a partner in Kroll Ontrack to support the collection, filtering, review and production in this matter.

The Solution

After the kickoff meeting with the multidisciplinary team of Kroll Ontrack and law firm members, approximately 1,600 gigabytes of electronic data and 90,000 pages of paper documents were shipped to Kroll Ontrack's data processing center in Minnesota. The paper documents were scanned, and general bibliographic information about the documents was coded and loaded into Ontrack® Inview™, Kroll Ontrack's powerful review platform. Within three days of receiving the data from the client, 64 gigabytes (approximately two million pages) of filtered data from nine custodians were loaded in Ontrack Inview, along with the scanned and coded paper documents.

Review teams across the globe began categorizing documents. At the height of the review, more than 40 reviewers in review centers in the United States and Europe were logged into Ontrack Inview, actively reviewing documents. In total, the review took 30 days.

The Kroll Ontrack project manager kept this project on course by tracking collected custodians, processed data, filtering statistics and production submissions. The project manager sent daily communications that outlined the volume of data uploaded for review in Ontrack Inview, the amount expected to arrive in the next 24 hours, data in processing and production shipment expectations. With this information, the law firm was able to gauge and communicate the productivity of its review staff and its compliance with the Second Request obligations.

The Resolution

The law firm and its client complied with the government's demands, paving the way for approval of the merger by:

- » Filtering the collected data from 1,600 gigabytes to 491 gigabytes.
- » Coordinating review of the documents with more than 40 reviewers in the U.S. and Europe, completing their work in 30 days.
- » Producing approximately 12 million pages to the FTC.