



ANTITRUST FORENSIC AND ECONOMIC SERVICES

EXPERTS WITH IMPACT



About FTI Consulting Antitrust Forensic and Economic Services

Companies involved in cartel enforcement and related civil action matters face numerous challenges when developing appropriate defense strategies, preparing responses to governmental authorities, ensuring continuity with their customers, and responding to the demands of litigation. In recent years, both domestic and global enforcement agencies have sought increased and substantial fines, and litigation settlements have followed the same path. The trend of increased cooperation amongst global enforcement agencies continues and has resulted in additional scrutiny or action in all jurisdictions across the globe.

For companies and counsel faced with addressing such allegations, the challenges can be daunting. They must identify, gather, analyze, and understand vast amounts of financial data and information, pivotal to responding to and defending against antitrust allegations. They must also continually reassess their investigative and defense strategy as the information is gathered and analyzed, in order to respond to potential assertions of price fixing, market allocation, or bid rigging. All of this, while the company continues to manage the typical rigors of their business.

FTI Consulting's dedicated antitrust practice can help address these concerns and work alongside counsel and the company. We provide reactive services solutions and compliance consulting across multiple industries and continents. Our leading professionals deliver end-to-end antitrust cartel consulting and expert services to multinational and domestic companies involved in cartel enforcement and civil action matters.

Services Offerings

- Enforcement Agency Advisory
- Customer Negotiations Financial and Economic Analysis Support
- Class Action Litigation Advisory and Support
- Compliance Program Development, Assessment and Monitoring

ENFORCEMENT AGENCY ADVISORY

The task of defending against increasingly aggressive government regulators has become more burdensome and complex, requiring a combination of technical and legal knowledge and the experience to know how best to minimize risk.

Having worked for counsel and assisted clients prepare for and defend against cartel enforcement actions in the U.S., Europe, Japan, Brazil, South Korea, and Chile, FTI Consulting's team knows how to gather and analyze the information needed, and has the expertise to help refine the focus of the investigation.

KEY SERVICES

- Collection, reconciliation, and production of transaction and manufacturing data
- Analysis to assess historical pricing trends and identify patterns
- Transaction data analysis to support company's internal investigations
- Development of strategies to determine and reduce volume of commerce
- Development of fact-based positions to assist in company's defense
- Support of proffer statements and plea agreements
- Preparation of sophisticated models to estimate import and export commerce
- Economic analysis to assess potential price impact of alleged anticompetitive behavior

🔍 CASE STUDY

Electronics Manufacturer



A global electronics component manufacturer was facing multiple antitrust enforcement investigations by global regulators. An effective response would require rapid review and analysis of 15 years of data residing in various current and legacy accounting systems across several subsidiaries.

FTI Consulting was able to quickly identify, collect, reconcile and analyze the company's transaction and manufacturing data. At the same time, we conducted on-site interviews to gain an understanding of the company's sales, pricing, and manufacturing processes and systems.

As a result, company's counsel quickly produced accurate and complete financial and manufacturing data to regulators, including the U.S. Department of Justice. Counsel utilized our analysis to shape the investigation and the proffers provided to the DOJ. Our work was instrumental in providing information for the proffer on the company's pricing and transfer price trends, both of which led to the reduction of the time periods on which the DOJ focused. With the assistance of our direct, import and export analyses, counsel was able to successfully argue for the removal of several categories of sales resulting in a substantial reduction to the volume of commerce.

CUSTOMER NEGOTIATIONS FINANCIAL AND ECONOMIC ANALYSIS SUPPORT

In response to enforcement actions, FTI Consulting regularly helps clients evaluate their exposure on collusive allegations and attain resolution with customers. We provide consultative economic analysis on potential exposure, evaluation of alternative analyses, and participation in settlement meetings with the customer.

KEY SERVICES

- Development of volume of commerce scenarios to aid in negotiation discussions
- Economic analysis, assessment and calculation of possible overcharge scenarios
- Preparation of reports and presentations to aid in customer negotiations
- Review and rebuttal of alternative analyses
- Expert economic support in settlement discussions

🔍 CASE STUDY

Auto Parts Manufacturer



When a global auto parts manufacturer accused of anticompetitive collusion sought to reach a reasonable settlement with its customers, they called on FTI Consulting to provide the expertise and economic analysis needed to assist the company and counsel negotiate.

FTI Consulting collected, analyzed and reconciled over 15 years of financial accounting data, sales contracts and related negotiation documents. We interviewed key business leaders to identify benchmark comparators to quantify any overcharges related to the alleged collusion.

Our team quantified the possible relevant volume of commerce and developed alternative scenarios in anticipation of customer claims. We developed several overcharge scenarios tied to the company's contract negotiation and pricing processes and presented these options to the company and counsel for consideration. FTI Consulting prepared rebuttal economic analyses to customers' claims on volume of commerce and overcharge positions which substantially lowered the potential exposure to the company. We also provided expert economic support to assist in the final settlement negotiations.

DIRECT AND INDIRECT PURCHASER CLASS ACTION LITIGATION

FTI Consulting professionals combine antitrust cartel expertise with class action litigation experience to assist clients with the intense demands of U.S. civil proceedings. We aid our clients in responding to financial accounting data discovery requests and interrogatories while also preparing analyses that support the company's positions to limit the scope and minimize the impact of potential exposure.

KEY SERVICES

- Responses to requests for production of financial and manufacturing data
- Structured data analysis to aid in the preparation of interrogatory responses
- Financial and economic analysis to support FTAIA and class certification positions
- Complex import and export commerce calculations
- Economic analysis to assess impact on price of alleged anticompetitive behavior

🔍 CASE STUDY

Auto Parts Manufacturer



An auto parts manufacturer faced civil litigation in the U.S. stemming from alleged bid-rigging. Because they did not sell directly to customers in the U.S., FTI Consulting prepared a complex analysis which quantified the U.S. impact of the company's product sales through imported vehicles over a ten-year period.

Through collection and analysis of the company's financial data, FTI Consulting developed a model to estimate the impact of the company's sales that went into vehicles sold in the U.S. Utilizing the company's financial data, contractual information, external data and third party databases, we performed a precise calculation of the relevant impact on U.S. commerce. The results of our calculation served as the basis for negotiation discussions and a favorable settlement for the company.

COMPLIANCE PROGRAM DEVELOPMENT, ASSESSMENT AND MONITORING

FTI Consulting's technical capabilities complement our investigative and compliance expertise to help companies develop and monitor effective antitrust compliance, detection, and risk management programs which consider qualitative and quantitative measures.

As enforcement agencies continue to emphasize the development and monitoring of antitrust compliance programs, companies turn to FTI Consulting for objective analysis of market risks and sales transaction data analysis to screen for collusive markers.

KEY SERVICES

- Conduct market risk assessment to narrow products, regions, and segments for review
- Develop objective analyses of financial sales data to screen for possible collusive markers
- Perform a risk assessment of program to identify issues and provide recommendations
- Assist company's internal audit and compliance teams perform on-site reviews

🔍 CASE STUDY

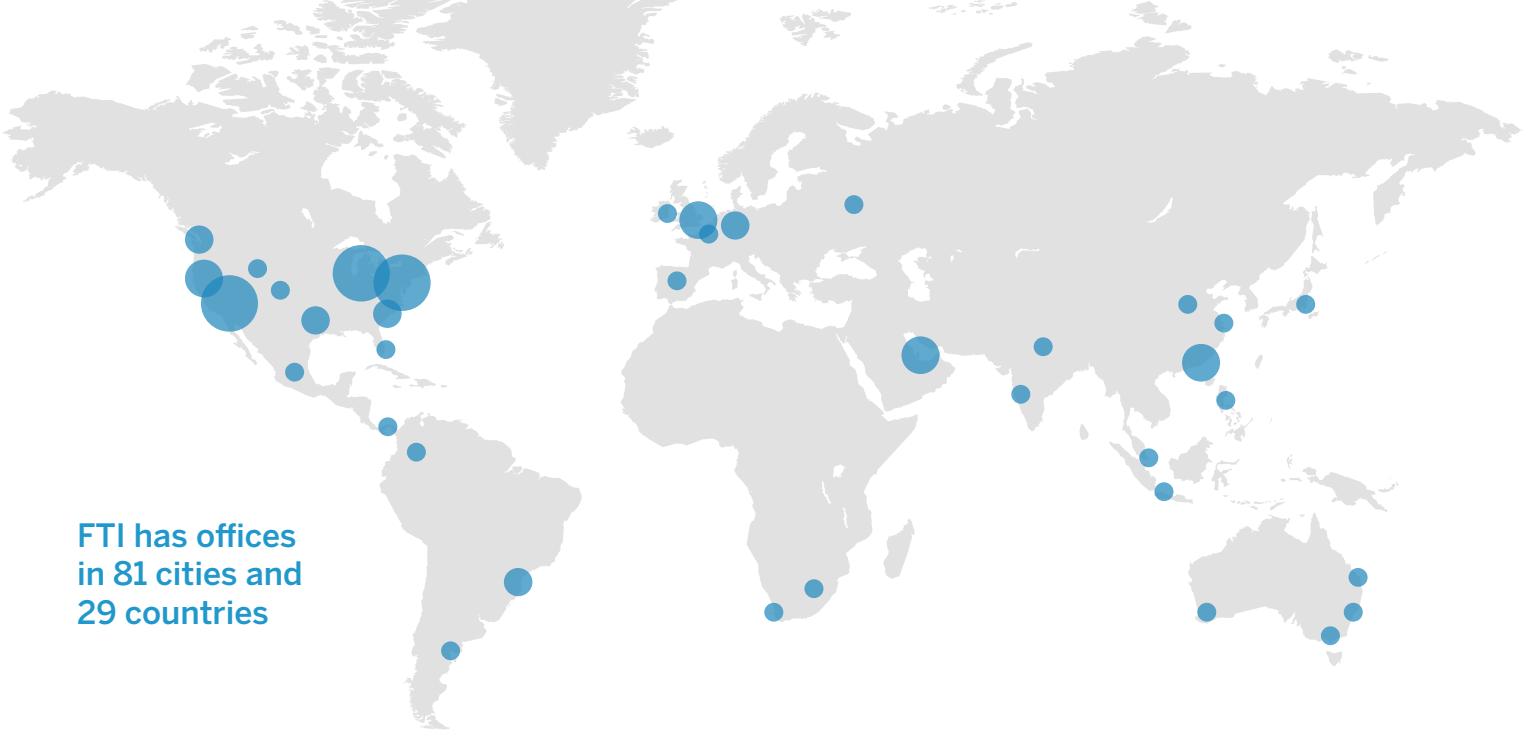
Generic Drug Manufacturer



FTI Consulting was engaged by the company and its counsel to assess its current U.S. antitrust compliance program and to provide recommendations for additional policies, procedures and monitoring efforts.

Our team met with employees to understand the current compliance policies, procedures, and monitoring program. FTI Consulting also gained an understanding of how the company sells and prices its products to provide quantitative monitoring recommendations to its compliance program.

FTI Consulting prepared an assessment which outlined recommendations to the company's current program and additional policies and monitoring process enhancements. We presented our findings to counsel and Board members who took action to implement many of our recommendations within weeks of our presentation.



FTI has offices
in 81 cities and
29 countries

WHY FTI CONSULTING FOR ANTITRUST FORENSIC AND ECONOMIC SERVICES?

APPROACH

As a cohesive team, FTI Consulting works closely with internal counsel, external counsel and key client representatives to provide thoughtful analysis related to allegations of collusive behavior. We develop company strategy and responses to both regulators and adversaries. FTI Consulting bridges the gap between the business and legal aspects of an investigation to effectively respond to inquiries with minimal intrusion on the company's day-to-day operations.

ANTITRUST FORENSIC AND ECONOMIC SERVICES PROFESSIONALS

FTI Consulting's antitrust team includes accountants, economists, and data analytics professionals who bring the ideal combination of experience, technical skills, and agility to meet any challenge. We offer the capabilities and expertise needed to navigate antitrust issues, along with the experience and client focus to ensure we provide maximum value.

EXPERTISE AND VALUE: DELIVERED

FTI Consulting's services and global footprint are well-suited to the needs of multinational corporations facing domestic or international cartel enforcement and litigation. Our ability to identify the relevant financial and operational data within the organization and to apply the appropriate technical tools and analytical processes provides our clients with the most robust capabilities in the industry. The depth and breadth of our team allows us to assist our clients at each step of enforcement inquiries and civil proceedings.

ABOUT FTI CONSULTING

FTI Consulting is a leading provider of multidisciplinary, independent investigative, forensic accounting, and computer forensic & analytic services to the global business and legal community. Our experience in providing a variety of services in connection with complex multi-jurisdiction corruption engagements enables our team to quickly assess a situation and design appropriately scaled work plans to be performed in a phased and cost-effective manner. In short, we:

- Provide **independent, multidisciplinary teams** consisting of former “Big 4” auditors, forensic accountants, former federal and state prosecutors, former regulators, former law enforcement officials, investigative researchers, and computer forensic and data analytic specialists
- Possess the expertise required to **unravel the most complex financial transactions**, perform fact-gathering, reconstruct records, trace the movement of assets, identify internal control weaknesses and recommend remediation strategies
- Provide the accounting expertise to analyze the impact on **financial reporting and disclosure requirements**, offering our extensive assistance in navigating the complexities of regulatory compliance
- Concurrently offer **industry leading electronic evidence services** that identify, preserve and collect relevant information and analyze complex data within enterprise systems
- Offer a **worldwide presence** with 81 offices located in cities throughout North America, South America, Europe, Africa, the Middle East and Asia



A LEADER AMONG LEADERS

Advisor to the **world's top 10** bank holding companies



56 of Fortune Global 100 corporations are clients



With more than **3,600 Consultants & Professionals** and offices in **29 countries** on six continents, our breadth and depth extends across every major social, political and economic hub **around the globe**

Trusted advisors serving clients globally with **diverse expertise and exceptional credentials** – including accountants, economists, engineers, former CFOs and strategists



Combines unparalleled **expertise and industry knowledge** to address critical challenges for clients

Our largest industry groups are:

Energy, Power & Products; Financial Institutions & Insurance; Healthcare & Life Science; Public Sector; Real Estate; Retail & Consumer; and Telecom, Media & Technology





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About FTI Consulting

FTI Consulting, Inc. is an independent global business advisory firm dedicated to helping organizations manage change and mitigate risk: financial, legal, operational, political & regulatory, reputational and transactional. FTI Consulting professionals, located in all major business centers throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges and opportunities. Connect with us on Twitter (@FTIConsulting), Facebook and LinkedIn.