



## Updates from the Illinois Attorney General's Antitrust Bureau Chief

JANUARY 24, 2024, 12:15 PM - 1:30 PM

On January 24, 2024, the Chicago Bar Association hosted an event moderated by Winston Antitrust partner Kevin Goldstein, featuring Elizabeth Maxeiner, Chief of the Antitrust Bureau in the Office of the Illinois Attorney General. The event, sponsored by the Antitrust Law Committee, delved into crucial aspects of Illinois's antitrust landscape, with a focus on the newly enacted "Baby HSR" statute, recent antitrust cases, and the bureau's evolving priorities.

### KEY TAKEAWAYS:

#### Illinois's New "Baby HSR" Statute:

A central topic of discussion was the recently introduced "Baby HSR" statute in Illinois. Ms. Maxeiner shed light on the intent and emerging implementation of this legislation, which mandates premerger notification for specific healthcare transactions. The statute aims to enhance Illinois's ability to review healthcare mergers, including transactions falling below the federal HSR notification thresholds, such as private equity roll-ups of multiple smaller providers. For transactions already notifiable under the federal HSR statute, the new Illinois law requires that the Illinois AG receive a copy of the parties' HSR filings. Previously, the Illinois AG would typically receive HSR filings only upon becoming aware of transactions, requesting the filings, and then negotiating confidentiality agreements with the parties. The new law also clarifies that both mandatory and voluntary submissions to the Illinois Antitrust Bureau will be kept confidential and exempt from disclosure under Illinois's Freedom of Information Act which is helpful to transacting parties and third parties involved in an Illinois antitrust investigation.

#### Recent Antitrust Cases:

During the Q&A session, Ms. Maxeiner provided an update on recent antitrust cases brought by the State of Illinois. Discussion focused first on the Illinois Supreme Court's recent ruling in *State v. Elite Staffing, Inc.*, 2024 IL 128763 (Jan. 19, 2024), which agreed with the Attorney General's broad interpretation of the Illinois Antitrust Act to encompass a wide variety of labor-related antitrust claims and held that a statutory exemption for labor agreements applied narrowly only to certain labor union conduct and collective bargaining agreements. Ms. Maxeiner also discussed the State's involvement in cases related to NCAA practices affecting college athletes, agriculture and pesticides, technology platforms, and pharmaceuticals.

#### Getting to Know the Antitrust Bureau:

Ms. Maxeiner also provided helpful insights about her office, including discussing her staff division and reporting structure within the Attorney General's Office. With a staff of just six attorneys devoted to the Antitrust Bureau, it collaborates with other bureaus within the Illinois Attorney General's Office, other states' antitrust enforcers, and federal enforcers to maximize its reach and effectiveness.

Winston's antitrust attorneys have substantial experience resolving antitrust matters in Illinois, throughout the United States, and around the world.

2 Min Read

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Kevin B. Goldstein