

# FTI Balances Competing Concerns in Major Telecom Merger to Deliver Second Request on Time and Under Budget



*“Thank you for the incredible efforts. The team has consistently demonstrated creativity and intelligence to meet difficult demands and set records (both in terms of timing and production sizes). Based on the repeated exceptional performance of this team on this matter and other Second Requests, FTI should be the go-to vendor for our antitrust practice. We and [Telecom Client] truly appreciate your help.”*

— Senior Partner, AmLaw 100 Firm

**SITUATION: A PROPOSED MERGER BETWEEN TELECOM GIANTS GENERATED A HART SCOTT RODINO SECOND REQUEST ACTION THAT RESULTED IN CONSIDERABLE DIFFICULTIES FOR THE PARTIES INVOLVED.**

FTI Technology was called in by an Am Law 100 firm representing a party to the merger to facilitate the Second Request and solve the issues inherent in a production involving multiple terabytes of data, an accelerated timeline and coordination between several diverse parties – including both the Department of Justice (DOJ) and the Federal Communications Commission (FCC).

Using predictive coding and review management ingenuity, FTI delivered complete productions to both the DOJ and FCC under the timelines dictated by each agency and within budget for the client.

## THE CHALLENGES

- Over five million documents from 74 custodians to collect and ingest.
- Extremely large number of privileged documents required attorney review and analysis.
- Production requirements for two agencies – DOJ and FCC – differed in documents, custodians and format.

A merger of large telecom companies invites scrutiny from not only the DOJ but also the FCC. An inquiry from each agency is not uncommon in these high profile matters and each generates exceptional difficulties for the parties involved. This matter in particular involved both technical and data volume challenges that the FTI team was able to overcome using both expertise and diligence.

For the production to the DOJ, FTI collected 3.2 terabytes of data and processed over 5.44 million emails and documents. To reduce the data set, FTI used Ringtail Predictive Coding to prioritize and categorize 2.56 million documents, resulting in only 360,000 documents that ultimately required further review. Of the review set, a large number of documents (170,000) were deemed privileged. The privilege review, notoriously the most laborious process in a second request, required around-the-clock efforts from a team of 150 attorney reviewers. FTI finished the review on time and completed productions to the DOJ within 30 days, ahead of planned schedule and on budget.

The next challenge FTI faced in this Second Request was making an additional submission to the FCC, whose requirements were different from those of the DOJ. In just 14 calendar days, new teams had to collect data from additional custodians, process the new data, apply new predictive coding models and perform additional review.

FTI then had to blend the new documents into the body of the production created for the DOJ and adjust the format to the FCC's requirements. Rising to the challenge, the FTI team completed the production of 962,000 documents to the FCC within the extremely tight timeline.

## **IMPACT:**

### **PRODUCTIONS WITH UNIQUE REQUIREMENTS DELIVERED TO BOTH DOJ AND FCC ON TIME AND UNDER BUDGET FOR CLIENT.**

- Ringtail Predictive Coding successfully used to reduce number of documents from over five million collected to under 400,000 reviewed.
- Round the clock privilege review by experienced FTI attorney reviewers executed on time and with complete privilege log.
- Productions with unique requirements delivered to both DOJ and FCC on time and under budget for client.

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#### About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organisations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. FTI Consulting professionals, who are located in all major business centres throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring. [www.fticonsulting.com](http://www.fticonsulting.com)