

DOJ Antitrust Division Warns Civil Investigative Demand Recipients Regarding Risk of Self-Incrimination

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The Department of Justice (“DOJ”) Antitrust Division recently updated its Civil Investigative Demand (“CID”) forms and deposition procedures to provide clear notice to CID recipients and deponents that the evidence they provide during the course of an investigation may be used by the DOJ in “unrelated” cases or proceedings. This highlights the risk of “spin off” investigations—including criminal investigations—if a party produces evidence of other violations (such as communications or coordination among competitors) during an investigation.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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