



Portfolio Media, Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

DOJ Taps Hall Render Atty As UnitedHealth Merger Monitor

By **Lauren Berg**

Law360 (November 3, 2025, 9:39 PM EST) -- The U.S. Department of Justice asked a Maryland federal judge Monday to appoint a Hall Render Killian Heath & Lyman PC shareholder as compliance monitor as part of the settlement allowing UnitedHealth Group's merger with Amedisys.

In an unopposed **motion**, the Justice Department asked for the appointment of William E. Berlin, a shareholder in Hall Render's Washington, D.C., office and head of the firm's antitrust and competition practice group, saying he is "highly qualified to serve as a monitor" in this case.

Berlin, who has practiced law for nearly 40 years, has specialized in antitrust law for most of his career and spent more than eight years as a senior trial attorney with the DOJ's antitrust division, the motion states. The government noted that Berlin also has "significant monitoring experience," and is a certified arbitrator and mediator.

"Additionally, Mr. Berlin will be supported by a team from Hall Render that has expertise that is relevant to this monitorship," the Justice Department said. "Hall Render focuses on healthcare law."

"In addition to prior monitoring experience and healthcare antitrust experience, the team that Mr. Berlin identified includes members who have experience representing home health and hospice providers on licensing, regulatory, compliance and reimbursement issues, and would include a member with experience in healthcare technology," it said.

The government's appointment request comes a few weeks after U.S. District Judge James K. Bredar **denied** the agency's unopposed motion for a stay of the case in light of the ongoing government shutdown, finding that a stay would impede the DOJ's ability to evaluate the public interest in the settlement.

The DOJ **in August announced** it had resolved its challenge to UnitedHealth's **\$3.3 billion acquisition** of home health and hospice company Amedisys, with the deal requiring the companies to sell at least 164 locations across 19 states. The deal was slated to go out for public comment under the procedures of the Tunney Act, under which courts review merger consent decrees to ensure they're made in the public interest.

The parties' proposed final judgment is subject to a 60-day notice and comment period, after which the district judge must decide whether final judgment entry is in the public interest.

According to the settlement reached between the DOJ and the companies, Amedisys will also pay a \$1.1 million civil penalty for falsely certifying full and complete compliance with its merger filing obligations.

The move resolves claims that the transaction would eliminate head-to-head competition for home health and hospice services and for nurses who provide the services.

The DOJ and the attorneys general of Maryland, Illinois, New Jersey and New York **sued in November 2024** to block the bid by UnitedHealth Group's Optum unit to buy Amedisys.

In June 2023, Amedisys, led by Paul Weiss Rifkind Wharton & Garrison LLP, said it had agreed to be acquired by Optum for \$3.3 billion, superseding a **prior merger deal** between Amedisys and Option

Care Health, but earning the latter company a \$106 million termination fee.

The government's challenge faulted UnitedHealth for scrapping the Option Care deal, noting that the latter company didn't compete directly with Amedisys, while UnitedHealth Group and Amedisys are direct competitors.

The lawsuit alleged that UnitedHealth Group and Amedisys are such large rivals that their proposed merger was presumptively anticompetitive in hundreds of local markets across the country. The DOJ further alleged the deal would leave nurses and vulnerable patients in those markets with fewer choices for home health and hospice services, as well as employment.

The suit also included a count against Amedisys for allegedly violating the Hart-Scott-Rodino Act by falsely certifying it had fully complied with a **request from the DOJ** for more information during the agency's review of the merger.

UnitedHealth Group and Amedisys had pushed back against the challenge, arguing that the deal would increase competition for home health and hospice services and boost innovation in the industry. As to the HSR charge, Amedisys blamed a third-party vendor for problems surrounding the retrieval of emails that were supposed to be included with the merger filings, and has maintained the DOJ's characterization of the alleged facts is misleading.

Berlin and representatives for the parties did not immediately respond to requests for comment Monday evening.

The government is represented by Erin K. Murdock-Park and David Stoltzfus of the U.S. Department of Justice's Antitrust Division.

Maryland is represented by Schonett Jones Walker of the Maryland Attorney General's Office.

Illinois is represented by Jennifer M. Coronel of the Illinois Attorney General's Office.

New Jersey is represented by Leslie Prentice of the New Jersey Attorney General's Office.

New York is represented by Saami Zain of the New York Attorney General's Office.

UnitedHealth Group is represented by Kathleen S. O'Neill and Lexi Michaud of Fried Frank Harris Shriver & Jacobson LLP, by Catie Ventura and Jeffrey Ayer of Kirkland & Ellis LLP, and by Joe Dugan of Gallagher Evelius & Jones LP.

Amedisys is represented by Katherine B. Forrest, Flint A. Patterson, Gregory F. Laufer, Harut Minasian, Jacqueline P. Rubin and Geoffrey Chepiga of Paul Weiss Rifkind Wharton & Garrison LLP.

The case is U.S. et al. v. UnitedHealth Group Inc. et al., case number 1:24-cv-03267, in the U.S. District Court for the District of Maryland.

--Additional reporting by Gina Kim, Bryan Koenig, Al Barbarino and Matthew Perlman. Editing by Leah Bennett.