

Antitrust Litigation: How an Amicus Brief Can Win an Appeal

The Antitrust Update of Patterson Belknap Webb & Tyler **discusses** a Federal Trade Commission case in which it appears an amicus brief may have been dispositive to the outcome of an appeal.

In *Federal Trade Commission v. Penn State Hershey Medical Center*, a group of 36 economists affiliated with top universities across the country filed an amicus brief explaining that the lower court used a faulty economic theory when it ruled against the FTC. The appellate court cited the brief when it reversed the district court.

Authors **Jake Walter-Warner** and **Jonathan H. Hatch** examine the brief's influence on the appellate court and show how the court laid out the issues with the district court's analysis just as the amicus brief did.

[Read the article.](#)