

In The News

# James Burns Explains U.S. District Judge's Role in Billion-Dollar CVS/Aetna Merger

December 10, 2018

In an article titled, “Despite Threatening to Halt Integration, Judge is Likely to Sign Off on CVS/Aetna Deal,” James Burns spoke to *Health Plan Weekly* about the role of Judge Richard Leon in the merger between the two health care companies. During a recent hearing, Judge Leon hinted that he might halt CVS and Aetna’s efforts to stop the merger, despite approval from the Department of Justice months before. Through a statute known as the Tunney Act, Judge Leon has the authority to review the transaction to ensure that it is in the public interest.

“I don’t believe the Tunney Act extends that far,” Burns said. “The reason why I say that is because, under the Tunney Act, the issue before him is the sufficiency of the remedy that the parties have agreed to, and whether it serves the public interest, not whether the merger itself should be enjoined.”

[Click here to view this news.](#)

---

## Related Work

Antitrust and Trade  
Regulation  
Health Insurers and  
Managed Care  
Organizations  
Healthcare

---

## Related Offices

Washington, D.C.