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DOJ’s First Antitrust Whistleblower Payout Signals a New Enforcement Playbook

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Only six months after initiation of the program, the Department of Justice Antitrust Division has announced the first criminal charges and accompanying monetary reward resulting from an employee whistleblower through the new Whistleblower Rewards Program. This announcement demonstrates the effectiveness of the new Whistleblower Rewards Program and a fundamental shift in how criminal antitrust cases are likely to be detected and prosecuted in the years to come. By empowering individual insiders with meaningful financial incentives, the government appears to have altered the strategic calculus for companies confronting potential misconduct, accelerating the pressure to act quickly and decisively once problems emerge. The case also demonstrates that eligibility for whistleblower rewards is likely to be interpreted expansively.

U.S. v. EBLOCK Corp.

On January 29, 2026, the Antitrust Division announced the first-ever whistleblower reward, a grant of $1 million to an anonymous individual who reported information that led to a Deferred Prosecution Agreement (“DPA”) on charges of bid rigging and fraud, and a monetary penalty of $3.28 million, covering an estimated $16.2 million in affected purchases and sales. The whistleblower award totaled just more than 30% of the obtained criminal penalty.

In late 2020, Defendant EBLOCK Corporation, a digital used car auction service provider, acquired Company A, another online auction platform, that had been secretly engaging in a bid-rigging conspiracy with Company B and placing fraudulent "shill" bids—bids not intended to win the auction but to inflate prices of used cars sold on the online auction platform. Various COVID-related travel restrictions hampered EBLOCK's due diligence process, and after the acquisition, Company A's legacy employees continued and intentionally hid the illegal conduct.

Though EBLOCK inherited the violation through acquisition, rejected the conduct when it was discovered, and later cooperated with the investigation when approached by the government, the Antitrust Division found that EBLOCK did not take "immediate action" to end the practice on Company A's platform. The conduct was ultimately reported by a whistleblower under the DOJ Whistleblower Rewards Program, yielding an investigation and enforcement action.

Key Takeaways

First, the announcement of the first whistleblower reward is perhaps the clearest evidence of a turning point in U.S. criminal antitrust enforcement. Since the 1990s, the primary driver of the government's enforcement has been the DOJ's Corporate Leniency Policy. This policy creates a race among companies to self-report criminal antitrust violations in exchange for non-prosecution protection, but which has, over time, yielded fewer results. Through the Whistleblower Rewards Program, the DOJ is now creating an even more dynamic and potentially faster race, in which companies must compete not only with rivals, but with their own insiders to reach prosecutors first. The practical implication is that speed is of the essence, and silence is no longer a viable strategy after the discovery of misconduct. Firms now face a dramatically heightened risk that information about wrongdoing will surface from inside, not just from competitors, and the reward is likely to inspire additional whistleblowers to report. Indeed, Deputy Assistant Attorney General Omeed Assefi has said that the Whistleblower Rewards Program has already had a "massive effect on case generation" and that the Division is "seeing a frenzy of people coming forward."

Second, when the Whistleblower Rewards Program was announced, questions arose about the scope of the program because of the required nexus of the conduct and its effect on the U.S. Postal Service. This case seems to put those questions to rest: the Whistleblower Rewards Program can potentially reach a wide range of conduct. In the EBLOCK case, the underlying antitrust conduct was digital in nature, yet the jurisdictional hook for the Postal Service's involvement appears to rest on the routine use of the U.S. mail to transmit documents (potentially just used car titles of affected cars) related to the scheme. This underscores that the Whistleblower Rewards Program is likely to be broadly applicable, and any required nexus with the U.S. Postal Service is unlikely to serve as a high bar.

Finally, it is crucial for M&A practitioners to note that the government now expects prompt and thorough post-acquisition investigation to identify and report problematic conduct by an acquisition target. EBLOCK's exposure arose not from its own conduct originating the conspiracy, but from failing to identify and dismantle it quickly after its acquisition of Company A. That sends a clear signal: antitrust due diligence cannot stop at signing, and compliance cannot be deferred to integration teams. In today's environment, acquiring a business means inheriting not only its assets, but also its antitrust risk—and regulators will scrutinize how aggressively the acquirer responds.

Companies must carefully consider the new risks of detection, which changes the calculations on whether to self-report. It has never been more important to invest in a culture of compliance, and update compliance policies with an eye toward encouraging employees to raise concerns internally so companies can identify potential antitrust violations and swiftly investigate.

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