

November 9, 1987

To Our Clients

Takeovers: Highly Confident Letters

In a two-to-one decision in Newmont Mining Corporation v. T. Boone Pickens on November 6, 1987, the Ninth Circuit affirmed the right of a corporate raider to commence a tender offer on the basis of a highly confident letter. Indeed, the opinion sustains the SEC position that a raider may start a tender offer without any firm financing in place.

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