

## Antitrust Policy in Health Care Markets

Health care costs in the United States are much higher than in other countries. These cost differences can be explained, in part, by a lack of competition. Some markets, such as pharmaceuticals and medical equipment, have elements of monopoly. Other markets, such as health insurance, have elements of monopsony. Markets may also be subject to collusion on prices, such as generic drugs, or wages, such as the nurse labor market. Lawful monopoly and monopsony are beyond the reach of antitrust laws, but collusion is not. When appropriate, vigorous antitrust enforcement challenging anticompetitive conduct can aid in reducing health care costs. This book addresses monopoly, monopsony, cartels of sellers and buyers, horizontal and vertical mergers, and antitrust enforcement through private suits as well as the efforts of the antitrust Agencies. The authors demonstrate how enforcing the antitrust laws can ultimately promote competition and reduce health care costs.

TIRZA ANGERHOFER is Doctoral Fellow of Economics at Duke University.

ROGER D. BLAIR is Professor of Economics at the University of Florida.

CHRISTINE PIETTE DURRANCE is Associate Professor in the La Follette School of Public Affairs at the University of Wisconsin-Madison.

Cambridge University Press & Assessment

978-1-316-51520-4 — Antitrust Policy in Health Care Markets

Roger D. Blair , Christine Piette Durrance , Tirza J. Angerhofer

Frontmatter

[More Information](#)

---

# Antitrust Policy in Health Care Markets

TIRZA J. ANGERHOFER

*Duke University*

ROGER D. BLAIR

*University of Florida*

CHRISTINE PIETTE DURRANCE

*University of Wisconsin–Madison*



CAMBRIDGE  
UNIVERSITY PRESS

Cambridge University Press & Assessment  
 978-1-316-51520-4 — Antitrust Policy in Health Care Markets  
 Roger D. Blair, Christine Piette Durrance, Tirza J. Angerhofer  
 Frontmatter  
[More Information](#)



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,  
 New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,  
 a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education,  
 learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781316515204](http://www.cambridge.org/9781316515204)

DOI: 10.1017/9781009099615

© Tirza J. Angerhofer, Roger D. Blair, and Christine Piette Durrance 2023

This publication is in copyright. Subject to statutory exception and to the provisions of relevant  
 collective licensing agreements, no reproduction of any part may take place without the written  
 permission of Cambridge University Press & Assessment.

First published 2023

*A catalogue record for this publication is available from the British Library.*

*Library of Congress Cataloging-in-Publication Data*

Names: Angerhofer, Tirza J. author. | Blair, Roger D. author. | Durrance, Christine Piette,  
 author.

Title: Antitrust policy in health care markets / Roger D. Blair, Christine Piette Durrance, Tirza  
 J. Angerhofer.

Description: Cambridge, United Kingdom; New York, NY: Cambridge University Press, 2023. |  
 Includes bibliographical references and index.

Identifiers: LCCN 2022009514 (print) | LCCN 2022009515 (ebook) | ISBN 9781316515204  
 (hardback) | ISBN 9781009096492 (paperback) | ISBN 9781009099615 (epub)

Subjects: MESH: Health Care Sector—economics | Health Policy | Antitrust Laws—organization  
 & administration | Marketing of Health Services—methods | United States

Classification: LCC RA410.56 (print) | LCC RA410.56 (ebook) | NLM W 74 `AA1 | DDC  
 362.1068/8—dc23/eng/20220328

LC record available at <https://lccn.loc.gov/2022009514>

LC ebook record available at <https://lccn.loc.gov/2022009515>

ISBN 978-1-316-51520-4 Hardback

ISBN 978-1-009-09649-2 Paperback

Additional resources for this publication at [www.cambridge.org/9781316515204](http://www.cambridge.org/9781316515204)

Cambridge University Press & Assessment has no responsibility for the persistence or  
 accuracy of URLs for external or third-party internet websites referred to in this publication  
 and does not guarantee that any content on such websites is, or will remain, accurate  
 or appropriate.

*To my parents, Alex and Nadia, for always believing in me  
and offering me their love and support.*

TIRZA J. ANGERHOFER

*To Chau and the rest of my family for their love,  
understanding, and support.*

ROGER D. BLAIR

*To my father, Michael, who inspired my love of economics  
and whose spirit I carry with me every day.*

CHRISTINE PIETTE DURRANCE

Cambridge University Press & Assessment

978-1-316-51520-4 — Antitrust Policy in Health Care Markets

Roger D. Blair , Christine Piette Durrance , Tirza J. Angerhofer

Frontmatter

[More Information](#)

---

Contents

List of Figures	<i>page</i> xiv
List of Tables	xvi
Acknowledgments	xvii
Table of Cases	xviii
1 Health Care Markets and Competition Policy	1
1.1 The Marketplace of Health Care Spending	1
1.2 Competitive Concerns	3
1.3 Antitrust Policy	4
1.4 Plan of the Book	5
1.5 Concluding Remarks	12
2 Antitrust Policy in the United States	14
2.1 Introduction	14
2.2 The Economic Rationale for Antitrust Policy	14
2.3 Political Foundation of Antitrust Policy	19
2.4 Antitrust Treatment of Monopoly and Cartels	23
2.5 The Clayton Act	26
2.6 Private Antitrust Suits	27
2.7 Class Action Suits	31
2.8 Concluding Remarks	33
PART I MONOPOLY	35
3 Patents and Monopoly Pricing of Pharmaceuticals	37
3.1 Introduction	37
3.2 The Patent System	39
3.3 Patents and Monopoly Pricing	42

## viii CONTENTS

3.4	Patent Licensing	47
3.5	Antitrust Remedies	51
3.6	Government Policy Proposals toward Prescription Drug Pricing	52
3.7	Extensions: Medical Devices and Orphan Drugs	64
3.8	Concluding Remarks	68
4	Patents and Exclusionary Product Hopping	74
4.1	Introduction	74
4.2	Exclusionary Product Hopping	75
4.3	Legal Challenges to Product Hopping	78
4.4	Solutions, If Any	88
4.5	Concluding Remarks	92
5	Bundled Discounts and PeaceHealth	95
5.1	Introduction	95
5.2	Bundled Discounts	96
5.3	Bundled Discounts in Health Care Settings	99
5.4	Anomalies of the Discount Attribution Test	105
5.5	Antitrust Treatment of Bundled Discounts	109
5.6	Concluding Remarks	112
	PART II SELLER CARTELS	113
6	Collusion in Health Care Markets	117
6.1	Introduction	117
6.2	A Basic Cartel Model	117
6.3	Collusion among Physicians and Surgeons	121
6.4	Collusion among Hospitals	126
6.5	Collusion among Pharmaceutical Manufacturers	128
6.6	Collusion among Medical Device Manufacturers	131
6.7	Collusion among Health Insurers	132
6.8	Concluding Remarks	134



7	Collusion in Generic Drug Markets	136
7.1	Introduction	136
7.2	The Competitive Promise of Generic Pharmaceuticals	137
7.3	The Incentive to Collude	140
7.4	The Alleged Conspiracies	142
7.5	Economic Consequences of Collusion	150
7.6	Deterring Price Fixing	152
7.7	Concluding Remarks	154
	Appendix: Alleged Participants in Generic Pharmaceutical Drug Conspiracy	154
8	The Hatch-Waxman Act, Patent Infringement Suits, and Reverse Payments	168
8.1	Introduction	168
8.2	The Hatch-Waxman Act	169
8.3	Reverse Payment Settlements	172
8.4	The <i>Actavis</i> Decision	177
8.5	The Post- <i>Actavis</i> Experience	186
8.6	Legislative Remedies	192
8.7	Private Damage Actions	197
8.8	Concluding Remarks	200
	Appendix: The Economics of Settlements	200
9	The Alleged Insulin Conspiracy	204
9.1	Introduction	204
9.2	Insulin: A Brief History	205
9.3	The US Insulin Market	207
9.4	Pharmacy Benefit Managers	215
9.5	Collusion in the Insulin Market	220
9.6	Concluding Remarks	225
10	Licensing of Health Care Professionals	230
10.1	Introduction	230
10.2	Economic Concerns with Professional Licensing	232

## X CONTENTS

10.3	<i>North Carolina Dental</i> and the State Action Doctrine	236
10.4	Licensing to Exclude Competition	242
10.5	Economic Effects of Mandated Supervision	245
10.6	The Empirical Evidence	249
10.7	Concluding Remarks	250
PART III MONOPSONY		255
11	Monopsony, Dominant Buyers, and Oligopsony	257
11.1	Introduction	257
11.2	Basic Model	258
11.3	Dominant Buyer Model	267
11.4	Oligopsony	270
11.5	Monopsony in Health Insurance Markets	273
11.6	Antitrust Treatment of Monopsony	275
11.7	Concluding Remarks	277
12	Countervailing Power: Physician Collective Bargaining	279
12.1	Introduction	279
12.2	Bilateral Monopoly	280
12.3	Physician Cooperative Bargaining	286
12.4	Competitive Concerns	296
12.5	Concluding Remarks	298
13	Group Purchasing Organizations, Monopsony, and Antitrust Policy	300
13.1	Introduction	300
13.2	What Do We Know about GPOs?	301
13.3	GPOs and the Exercise of Monopsony Power	302
13.4	Foreclosure of Suppliers	307
13.5	GPO Funding Mechanisms	312
13.6	Antitrust Enforcement Policy	315
13.7	Concluding Remarks	319

PART IV	BUYER CARTELS	323
14	Collusion in the Nurse Labor Market	325
14.1	Introduction	325
14.2	The Shortage of Nurses	326
14.3	A Simple Analysis of an Employer Cartel	329
14.4	Recent Antitrust Litigation	333
14.5	Antitrust Damages	336
14.6	Antitrust Policy	341
14.7	Concluding Remarks	343
15	Collusion in the Oocyte Market	345
15.1	Introduction	345
15.2	Collusion in the Oocyte Market	346
15.3	Antitrust Standards	348
15.4	Economic Effects of Price Ceilings	351
15.5	Rule of Reason Analysis	352
15.6	Antitrust Injury and Damages	357
15.7	Disposition of <i>Kamakahi</i>	362
15.8	Concluding Remarks	365
16	No-Poaching Agreements and Antitrust Policy	368
16.1	Introduction	368
16.2	Background	370
16.3	No-Poaching Agreements in Health Care: <i>Seaman v. Duke University</i>	373
16.4	Damage Theory	375
16.5	Government Regulation	381
16.6	Concluding Remarks	383
PART V	MERGERS AND ACQUISITIONS	385
17	The Economics of Horizontal Mergers	389
17.1	Introduction	389
17.2	Mergers to Monopoly	390

xii CONTENTS

17.3 Mergers of Producers to Realize Efficiencies	393
17.4 Mergers of Buyers to Realize Efficiencies	397
17.5 Merger Efficiencies Resulting in Increased Quality	401
17.6 Concluding Remarks	404
 18 Horizontal Merger Policy	 405
18.1 Introduction	405
18.2 Horizontal Merger Policy	406
18.3 Defining the Relevant Antitrust Market	410
18.4 Economic Evidence of Competitive Effects	412
18.5 Mergers and Their Anticompetitive Effects: <i>Sutter Health</i>	415
18.6 Agency Analysis of Mergers in Health Care Markets	419
18.7 Concluding Remarks	431
 19 The Economic Theory of Vertical Integration	 434
19.1 Introduction	434
19.2 Vertical Integration	435
19.3 Vertical Integration and Competitive Distribution	439
19.4 Successive Monopolies in Production and Distribution	444
19.5 Competitive Concerns with Vertical Mergers	448
19.6 Empirical Evidence on Vertical Mergers	450
19.7 Mergers of Complementary Input Suppliers	451
19.8 Concluding Remarks	455
 20 Vertical Merger Policy	 457
20.1 Introduction	457
20.2 Legal Foundation	458
20.3 The 2020 Vertical Merger Guidelines	461
20.4 A Merger in Biotechnology: Illumina/GRAIL	465
20.5 The Merger of a Health Insurer and a Physician Group: UnitedHealthcare/DaVita	469

20.6 The Merger of a Hospital System and a Physician Group:	
St. Luke’s/Saltzer	472
20.7 Concluding Remarks	476
21 Concluding Remarks	479
Index	482

Figures

2.1	Competition, monopoly, and social welfare	<i>page</i> 16
2.2	Competition, monopsony, and social welfare	18
3.1	Distortion of quantity and pharmaceutical prices due to insurance	46
3.2	Licensing options for the patent monopolist	49
6.1	Competition and collusion	119
6.2	Profit of a colluding firm	120
6.3	Eliminating rivals leads to higher prices and profits	124
6.4	Collusion results in higher prices and profits	129
6.5	The effects of marginal cost on price and quantity	134
7.1	The influence of generic competition on drug prices	139
7.2	Collusion results in higher prices and economic profits	142
9.1	Pharmaceutical distribution chain	211
9.2	Flow of payments for an uninsured patient	212
9.3	Flow of payments for an insured patient	213
9.4	Humalog insulin price per vial by year	214
9.5	Competition, monopoly, and Cournot oligopoly	221
10.1	The economic effects of excluding non-dentist teeth whiteners	244
10.2	The economic effects of mandated supervision	247
11.1	The basic monopsony model	260
11.2	The impact of monopsony on marginal and average cost	266
11.3	The dominant buyer model	268
12.1	The bilateral monopoly solution	282
12.2	The bargaining range from $P_{min}$ to $P_{max}$	284
12.3	From monopsony to bilateral monopoly	288
13.1	The monopsony model	303

LIST OF FIGURES    xv

13.2	The all-or-nothing model	305
13.3	The bilateral monopoly model	318
14.1	Monopsonistic exploitation of nurses	330
14.2	Antitrust damages	337
15.1	Economic impact of a price ceiling	352
16.1	Competitive and monopsony labor market equilibrium	375
17.1	The problem of merging to monopoly	391
17.2	The Williamson welfare trade-off	394
17.3	Merger-specific efficiencies and monopsony: The welfare trade-off	399
17.4	The welfare trade-off of a quality-enhancing merger	402
19.1	Derived demand in a competitive market	440
19.2	Monopoly profits of an upstream supplier facing a competitive downstream market	441
19.3	The dreaded double marginalization with successive monopoly	445
19.4	Vertical integration eliminates double marginalization	447

Tables

3.1	US expenditures on prescription drugs, 2003–2019	<i>page</i> 38
4.1	Product hopping litigation	79
5.1	3M’s discount schedule	98
7.1	Alleged cartel members	144
7.2	Drugs in the alleged conspiracy	155
8.1	Reverse payment agreements, 2004–2017	191
9.1	Common types of insulin with prices	208
18.1	Calculating the HHI	414
18.2	Combined shares of the merging physician groups in the Bismark-Mandan area	425
18.3	Service market concentration	426



## Acknowledgments

In writing a book like this one, debts to others pile up quickly. It is extremely difficult to keep track of everyone who has made a positive contribution to our efforts. We hope that we have not missed anyone.

For prior collaboration, we thank Kristine Coffin, Thomas Cotter, Carlos Estrada, Jeffrey Harrison, Jill Herndon, the late David Kaserman, Thomas Knight, John Lopatka, William Page, and Richard Romano. Their influence on our reasoning and our understanding of the law and economics that we have employed is gratefully acknowledged. We have received more direct benefits from Sara Bensley, who was always ready to help with legal research. Devon Myers provided substantive input on several issues involving health care policy and details regarding pharmacy benefit managers and the insulin market. Herbert Hovenkamp contributed his wisdom on several antitrust issues. Last, but certainly far from least, we thank Lena Buonanno for her masterful editorial assistance. If not for her efforts, the book would be even less readable than it is.

None of these wonderful colleagues can be blamed for what follows. In a spirit of collegiality, we have agreed to blame one another for all errors of commission or omission that remain.

## Table of Cases

- AbbVie, Inc. v. FTC, US No. 20-1293 (2020). 172
- Allied Orthopedic v. Tyco Health Care, 592 F.3d 991 (9th Cir. 2010). 307
- Archer and White Sales, Inc. v. Henry Schein, Inc., No. 878 F.3d 488 (5th Cir. 2017). 123
- Arizona v. Maricopa County Medical Society, 457 US 332 (1982). 347, 356–7
- Avery v. Albany Shaker Donuts, LLC, No. 1:18-cv-09885 (S.D. N.Y. 2018). 371–2
- Bautista v. Carl Karcher Enterprises, No. BC 649777 (Sup. Ct. Cal. 2017). 371–2
- BCBSM, Inc. v. Vyera Pharmaceuticals, LLC, No. 1:21-cv-01884 (S.D. N.Y.). 26
- Bigelow v. RKO Radio Pictures, 327 US 251, 264 (1946). 151, 340
- Binotti v. Duke University, No. 20-cv-470 (M.D.N.C. 2020). 362, 373–9
- Board of Dental Examiners of Alabama v. Federal Trade Commission, No. 20-cv-1310 (N.D. Ala. 2020). 241
- Boczar v. Manatee Memorial Hospital and Health System, Inc., 731 F. Supp. 1042 (M.D. Fla. 1990). 124–6
- Boss v. CVS Health, Inc. et al., No. 3:17-cv-01823 (D. N.J. 2017). 130, 219
- Bristow Endeavor Health Center v. Blue Cross and Blue Shield Association et al., No. 16-cv-0057-cve-pjc (N.D. Okla. 2016). 127–8
- Brooke Group Ltd. v. Brown and Williamson Tobacco Company, 509 US 209 (1993). 103
- Brown Shoe Company, Inc. v. United States, 370 US 294 (1962). 459–60

- Brunswick Corporation v. Pueblo Bowl-O-Mat, Inc., 429 US 477 (1977). 29–30, 336, 358
- Butler v. Jimmy John’s Franchise, LLC, No. 18-133 (S.D. Ill. 2018). 371–2
- California Retail Liquor Dealers Association v. Midcal Aluminum, Inc., 445 US 97, 105 (1980). 232–3, 290
- Cascade Health Solutions v. PeaceHealth, 515 F.3d 883 (3rd Cir. 2008). 101–2
- Cason-Merenda et al. v. Detroit Medical Center et al., No. 2:06-cv-15601 (E.D. Mich. 2006). 333–5, 373
- Cigna Corporation v. Actavis Holdco US Inc., No. 2:20-cv-02711 (E.D. Pa. 2020). 149
- Clarke v. Baptist Memorial Healthcare Corporation, 264 F.R.D. 375, 377 (W.D. Tenn. 2009). 333–5
- Colindres v. Battle, No. 1:15-cv-2843-SCJ (N.D. Ga., 2016). 236
- Colorado v. UnitedHealth Group (D.C. Col. 2019). 469–72
- Danielle Seaman v. Duke University, No. 1:2015-cv-00462 (M.D.N.C. 2018). 373–5, 378
- Deslandes v. McDonald’s USA, LLC, No. 17-cv-04857 (N.D. Ill. 2017). 371–2
- Ford Motor Company v. United States, 405 US 562 (1972). 460
- Federal Trade Commission v. AbbVie, Inc., et al., No. 2621 (3rd Cir. 2014). 187
- Federal Trade Commission v. Actavis, 570 US 136 (2013). 177, 182–6
- Federal Trade Commission v. Indiana Federation of Dentists, 476 US 447 (1986). 121, 280
- Federal Trade Commission v. Indivior, Inc., No. 1:20-cv-00036-JPJ-PMS (W.D. Vir. 2020). 77–8
- Federal Trade Commission v. Sanford Health, 926 F.3d 959 (8th Cir. 2019). 424–7
- Federal Trade Commission and State of Idaho v. St. Luke’s Health System, Ltd., and Saltzer Medical Group, No. 13-cv-116-BLW (D. Idaho 2013). 472–6

## XX TABLE OF CASES

- Federal Trade Commission v. Watson Pharmaceuticals, Inc., No. 10-12729 (11th Cir. 2012). 180–2
- Fleischman v. Albany Medical Center, No. 06-cv-0765 (N.D.N.Y. 2010). 333–5
- Goldfarb v. Virginia State Bar, 421 US 773 (1975). 350
- Hanover Shoe v. United Shoe Machinery Corporation, 392 US 481 (1968), 30, 357–8
- Harris v. CJ Star, LLC (Carl's Jr., Hardee's), No. 2:18-cv-00247 (E.D. Wa. 2019). 372
- Humana Inc. v. Actavis Elizabeth LLC, No. 2:19-cv-4862 (E.D. Pa. 2019). 149
- Illinois Brick Company v. Illinois, 431 US 720 (1977). 30, 357–8
- Impax Laboratories, Inc. v. Federal Trade Commission, No. 19-60394 (5th Cir. 2019). 190
- Innovative Health LLC v. Biosense Webster, Inc., No. 19-cv-1984 (C.D. Cal. 2020). 66
- In re Amneal Holdings, LLC, Amneal Pharmaceuticals, LLC, Impax Laboratories, Inc., Impax Laboratories, LLC, Docket No. C-4650 (FTC 2018). 427–31
- In re Animation Workers Antitrust Litigation, No. District of California, No. 14-cv-04062-LHK 123 F.Supp.3d 1175 (2015). 371
- In re Benco Dental Supply Company et al., Docket No. 9379 (FTC 2018). 309
- In re Blue Cross Blue Shield Antitrust Litigation, No. 2:13-cv-20000 (11th Cir. 2018). 132–3
- In re Carlsbad Physician Association Inc., No. C-4081 (FTC 2003). 122
- In re Cardizem CD Antitrust Litigation, No. 00-2483 218, F.R.D. 508 (E.D. Mich. 2003). 177–80
- In re Dental Supplies Antitrust Litigation, No. 16-696 (E.D.N.Y. 2016). 132
- In re Effexor XR Antitrust Litigation, No. 11-5479 (D. N.J. 2014). 188

- In re EpiPen Direct Purchaser Litigation, No. 20-cv-827 (D. Minn. 2021). 218
- In re Generic Pharmaceuticals Pricing Antitrust Litigation, No. 16-AG-27240 (D.C. E. Penn. 2017). 142–6, 148–9, 154
- In re High-Tech Employee Antitrust Litigation, No. 5:2011-cv-02509 (N.D. Cal. 2015). 370–1
- In re Illumina, Inc. and GRAIL, Inc., No. 9401 (FTC 2021). 465–9
- In re Insulin Pricing, No. 17-00699 (D.C.N.J. 2017). 219
- In re Intuniv Antitrust Litigation, No. 1:16-cv-12653-ADB (D. Mass. 2020). 188–9
- In re National Association of Teachers of Singing, Inc., No. C-4491, WL 5298209 (FTC 2014). 239
- In re Opana ER Antitrust Litigation, No. 14-cv-10150 (N.D. Ill. 2021). 190
- In re Otto Bock HealthCare North America, Inc., No. 9378 (FTC 2017). 416
- In re Sensipar (Cincalcet Hydrochloride Tablets) Antitrust Litigation, No. 19-md-2895 (D. Del. 2020). 189–96
- In re South Carolina State Board of Dentistry, No. 9311 WL 22168993 (FTC 2003). 246
- In re Southwest Health Alliances, Inc., dba BSA Provider Network, No. C-4327 (2011). 296
- In re Zetia (Ezetimibe) Antitrust Litigation, No. 2:18-md-02836 (D.E. Vir. 2018). 197
- Ion v. Pizza Hut, LLC, No. 4:17-cv-00788 (E.D. Tex. 2017). 371–2
- Kamakahi v. American Society for Reproductive Medicine, No. 3:11-cv-1781:16 (N.D. Cal. 2011). 345–6, 348, 352–3, 362–5
- Kinetic Concepts, Inc. v. Hillenbrand Industries, Inc. 95-cv-0755 (W.D. Tex. 2000). 308
- King Drug Company of Florence, Inc. v. Abbott Labs, No. 19-cv-3565 (E.D. Pa. 2019). 78
- King Drug Company of Florence, Inc. v. SmithKline Beecham Corporation, 791 F.3d 388 (3rd Cir. 2015). 188

## xxii TABLE OF CASES

- Kissing Camels Surgery Center v. Centura Health Corporation et al.,  
 No. 1:2012-cv-3012, Doc. 295 (D. Colo. 2015). 127
- KPH Healthcare Services, Inc. v. Takeda Pharmaceutical Company,  
 No. 1:21-cv-11255 (D. Mass. 2021). 199–200
- Leeds v. Board of Dental Examiners of Alabama, No. 2:18-cv-1679 BL  
 11643 (N.D. Ala., 2018). 241
- Leeds v. Jackson, No. 19-11502 (11th Cir. 2019). 241
- LegalZoom.com v. North Carolina State Bar, No. 11 CVS 1511 (N.C.B.  
 C. 2012). 236
- Leib v. Geisinger Health, No. 4:21-cv-00196 (M.D. Pa. 2021). 373
- LePage's, Inc. v. 3M, 324 F.3d 141 (3rd Cir. 2003). 97–9
- Maderazo v. VHA San Antonio Partners, L.P., No. 5:06-cv-00535 (W.  
 D. Tex. 2006). 333–5
- Mandeville Island Farms v. American Crystal Sugar Company, 334 US  
 219 (1948). 19, 345, 349
- Marion HealthCare, LLC v. Becton Dickinson and Company, No. 18-  
 3735 (7th Cir. 2020). 309–10
- Michel v. Restaurant Brands International, Inc., No. 1:18-cv-24304  
 (S.D. Fla. 2018). 371–2
- Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Limited  
 Company, No. 15-2236 (3rd Cir. 2016). 84–6
- National Federation of Independent Business v. Sebelius, 567 US 519  
 (2012). 5
- National Society of Professional Engineers v. United States, 435 US  
 679 (1978). 350–1
- New York v. Actavis, 787 F.3d 638 (2nd Cir. 2015). 81, 83
- Nichelle G. Perez v. Commissioner of Internal Revenue, 144 T.C. 51  
 (2015). 354
- North Carolina Board of Dental Examiners v. Federal Trade  
 Commission, 574 US 494 (2015). 231, 236–9, 294
- Ogden v. Little Caesars Enterprises, Inc., No. 2:18-cv-12792 (E.D.  
 Mich. 2018). 371–2
- Ontario Teachers' Pension Plan Board v. Teva Pharmaceutical  
 Industries Ltd., No. 3:17-cv-00558 (D. Conn. 2019). 150

- Opternative, Inc. v. South Carolina Board of Medical Examiners, No. 2016CP4006276 (S.C. Ct. Com. Pl 2016). 239
- Ortho Diagnostics v. Abbott Labs, 926 F. Supp. 371 (S.D.N.Y. 1996). 99–100
- Palmer v. BRG of Georgia, Inc., 498 US 46 (1990). 180
- Parker v. Brown, 317 US 341 (1943). 232–3
- People of the State of California v. Sutter Health, No. CGC-18-565398 (Sup. Ct. Cal. 2018). 415–19
- Petrie v. Virginia Board of Medicine, No. 15-1007 (4th Cir. 2016). 239–40
- Pfizer Inc. v. Johnson & Johnson, No. 2:17-cv-4180 (E.D. Pa. 2017). 100
- Prescott v. CVS Health Corporation, No. 2:17-cv-00803 (W.D. Wash. 2017). 130
- Reed v. Advocate Health Care, No. 06C3337 (N.D. Ill. 2009). 333–5
- Retractable Technologies, Inc. v. Becton Dickinson and Company, No. 01-cv-036 (E.D. Tex. 2013). 307
- Richmond v. Bergey Pullman, Inc., No. 2:18-cv-00246 (E.D. Wa. 2018). 371–2
- Rite Aid Corporation v. Actavis Holdco US, Inc., No. 2:20-cv-03367 (E.D. Pa. 2020). 149–50
- Roe v. Surgical Care Affiliates, LLC, No. 1:21-cv-00305 (N.D. Ill. 2021). 373
- Rutledge v. Pharmaceutical Care Management Association, No. 18-540, 592 US \_\_\_\_ (2020). 218
- Sandoz Inc. v. United Therapeutics Corporation, No. 19-cv-10170 (D. N.J. 2020). 131
- Sensational Smiles, LLC v. Mullen, No. 14-1381 (2nd Cir. 2015). 236
- Sidibe v. Sutter Health, No. 3:12-cv-04854 (N.D. Cal. 2021). 419
- SmileDirectClub, LLC v. Battle, No. 19-12227 (11th Cir. 2019). 240
- SmileDirectClub, LLC v. Board of Dental Examiners of Alabama, No. 2:18-cv-1679 (N.D. Ala. 2018). 240–1
- Smith Kline v. Eli Lilly, 575 F.2d 1056 (3rd Cir. 1978). 100

## xxiv TABLE OF CASES

- Southeast Missouri Hospital v. C. R. Bard, 616 F.3d 888 (8th Cir. 2010). 308
- Southeast Missouri Hospital v. C. R. Bard, 642 F.3d 608 (8th Cir. 2011). 308
- Spec's Family Partners Ltd. v. Texas Alcoholic Beverage Commission, No. 19-20661 (5th Cir. 2020). 236
- Spectrum Sports, Inc. v. McQuillan, 506 US 447, 456 (1993). 110
- Square D Company v. Niagara Frontier Tariff Bureau, Inc., 476 US 409 (1986). 132
- Southeast Missouri Hospital v. C. R. Bard, 616 F.3d 888 (8th Cir. 2010). 308.
- Spradling v. Surgical Care Affiliates, No. 1:21-cv-01324 (N.D. Ill. 2021). 373
- State of Connecticut v. Sandoz Inc., No. 3:20-cv-00802 (D.C. Conn. 2020). 142–4, 148, 154
- State of Connecticut v. Teva Pharmaceuticals, No. 3:19-cv-00710 (D.C. Conn. 2019). 142–4, 146–8, 154
- Stigar v. Dough Dough, Inc., No. 2:18-cv-00244 (E.D. Wa. 2019). 372
- Story Parchment Company v. Paterson Parchment Paper Company, 282 US 555 (1931). 339
- Sugartown Pediatrics LLC v. Merck & Co., No. 2:18-cv-01734 (E.D. Pa. 2018). 101
- Sulitzer v. Tippins, No. 19-cv-8902 (C.D. Cal. 2019). 240
- Suture Express, Inc. v. Owens & Minor Distribution, Inc., No. 16-3065 (10th Cir. 2017). 100–1
- Teladoc, Inc. v. Texas Medical Board, No. 1:15-cv-00343 (W.D. Tex. 2015). 240
- UFCW & Employers Benefit Trust v. Sutter Health, No. CSG 14-538451 (S.C. Cal. 2014). 32
- United Association of Plumbers & Pipefitters Local 322 of S.N.J. v. Mallinckrodt ARD LLC, No. 20-cv-188 (D. N.J. 2020). 37
- United HealthCare Services, Inc. v. Teva Pharmaceuticals USA, Inc., No. 0:19-cv-02696 (D. Minn. 2019). 149



- United States v. Adobe Systems, No. 1:10-cv-01629 (D. D.C. 2011). 368–71
- United States v. Anthem, Inc., and Cigna Corporation, No. 1:16-cv-01493 (D. D.C. 2016). 419–24
- United States v. Arizona Hospital and Healthcare Association, No. CV07–1030-PHX (D. Ariz. 2007). 309
- United States v. eBay, No. 5:12-cv-05869-EJD (N.D. Cal. 2012). 370
- United States v. Geisinger, No. 4:20-cv-01383 (M.D. Pa. 2020). 373
- United States v. Grinnell Corporation, 384 US 563, 570–71 (1966). 24, 110, 276–7
- United States v. Knorr-Bremse AG and Westinghouse Air Brake, No. 1:18-cv-00747 (D. D.C. 2018). 370
- United States v. Lucasfilm, No. 1:10-cv-02220 (D. D.C. 2010). 370–1
- United States v. Socony-Vacuum Oil Company, Inc., 310 US 150 (1940). 26, 348–9
- United States and State of Michigan v. Hillsdale Community Health Center, No. 2:15-cv-12311 (E.D. Mich. 2015). 126
- United States v. United States Steel Corporation, 251 US 417 (1920). 24
- US Anesthesia Partners of Colorado Inc. v. UnitedHealthcare Insurance Co. et al., No. 2021-cv-31061 (D. C. Denver 2021). 472
- Vasquez v. Indiana University Health, Inc., No. 21-cv-1693 (S.D. Ind. 2021). 127
- Weyerhaeuser v. Ross-Simmons Hardwood Lumber Company, 127 US 1068 (2007). 276
- Yi v. SK Bakeries, LLC, No. 18-5627 RJB (W.D. Wa. 2018). 371–2
- Your Therapy Source, LLC, No. 1710134 (FTC 2018). 370

Cambridge University Press & Assessment

978-1-316-51520-4 — Antitrust Policy in Health Care Markets

Roger D. Blair , Christine Piette Durrance , Tirza J. Angerhofer

Frontmatter

[More Information](#)

---