



LAW360 FEATURES BARTKO PAVIA'S APPELLATE VICTORY REVIVING ANTITRUST SUIT AGAINST MULTIPLAN

Media Mentions

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[Law360](#) recently featured Bartko Pavia LLP's major appellate victory in *VHS Liquidating Trust v. MultiPlan Corp.*, where California's First Appellate District reversed the dismissal of an antitrust suit accusing MultiPlan, now Claritev Corp., of orchestrating an agreement among health insurers to fix and reduce out-of-network reimbursement rates.

The published opinion holds that insurer reimbursements to providers are prices that, if fixed or tampered with, are subject to antitrust scrutiny under the Cartwright Act. The court rejected the trial court's view that out-of-network reimbursements are not a discrete service whose price can be fixed, finding that nothing in the statute carves out insurers' purchases of medical services. The panel added that the result would be the same under federal antitrust law, and that whether a transaction is framed as a purchase or a reimbursement is irrelevant for antitrust purposes.

[Patrick M. Ryan](#), lead appellate and lead trial counsel and co-managing partner at Bartko Pavia, called the ruling a "landmark antitrust decision, recognizing that California's antitrust laws are broader and deeper than federal law and that healthcare providers are protected by such laws from anticompetitive practices by insurers and their co-conspirators, such as MultiPlan." He added, "The court made clear that if insurers coordinate the amounts they pay hospitals and physicians, that's price fixing."

Ryan said the decision "puts the healthcare industry on notice: healthcare payments are prices, and collusion over those prices is unlawful." He also said, "The opinion at long last kicks open the courthouse doors to hospitals and providers harmed by anticompetitive coordinated reimbursement practices. We expect it to have consequences far beyond this case." The case now returns to the trial court.

Read the full Law360 article [here](#).

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