



BARTKO PAVIA WINS SUTTER HEALTH ANTITRUST DEFENSE VERDICT

Press Release

11, March 2022

After a 5-week jury trial in the Northern District of California, Case No. 3:12-cv-04854-LB, the nine member jury returned a verdict on Friday, March 11 in favor of our client Sutter Health, finding that Sutter did not tie its hospital services together, and did not force insurance companies to contract with Sutter on allegedly anticompetitive terms. The certified class of three million California residents and businesses had sought \$411 million in damages from Sutter based on what the class claimed were higher insurance premiums paid over a 10-year period. Any damages would have been trebled under the antitrust laws. The jury never reached the issue of damages, however, instead finding that Sutter had not violated the antitrust laws. A copy of the Verdict can be viewed [here](#), and a Law360 news article describing the case can be viewed [here](#). After the verdict, Sutter Health CEO James Conforti stated: "This decision is important not only for Sutter Health, but for all health care providers in California. It validates that health care providers, including doctors and hospitals, have a right to evaluate whether to participate in health plan networks and ensure that they don't interfere with the ability to provide coordinated patient care and will not lead to surprise bills." [Robert H. Bunzel](#), [Patrick M. Ryan](#), and [Oliver Dunlap](#) of Bartko represented Sutter at trial, and the firm partnered with co-lead defense trial counsel at Jones Day who were instrumental in achieving the result. Following the verdict, Mr. Bunzel said "This is the third antitrust jury trial the Bartko firm has recently tried to successful verdict, covering healthcare, industrial and technology sectors. The result is a testament to Bartko's skilled trial counsel, supporting staff and our exceptional co-counsel. But most importantly, this victory is due to the resolute Sutter employees and providers who put the interests of their patients first, in a true story that resonated with the jurors." For further inquiry, please contact rbunzel@bartkolaw.com, pryan@bartkolaw.com, or odunlap@bartkolaw.com.

As of November 2024, The Ninth Circuit recently reversed the jury's verdict and the case is being set for retrial.

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