Pillsbury’s Health Care Litigation practice combines deep professional experience in complex, high-stakes litigation with extensive health care industry knowledge and insight.

Our team of more than 20 health care lawyers regularly represents hospitals, health care providers, managed health care organizations, pharmaceutical and biotech companies, medical device manufacturers and many others in the health care field. Working closely with other health care-related practices within the firm, we deliver 360-degree perspective, offering practical legal guidance based on a clear understanding of our clients’ business needs and goals.

Pillsbury Health Care lawyers have advised on and litigated a wide variety of disputes including alleged antitrust violations, False Claims Act *qui tam* actions, white collar and governmental investigations, data breach, HIPAA and HITECH privacy-related claims, payment and insurance disputes, bankruptcy, and intellectual property infringement claims and licensing disputes. We represent clients in state and federal trial and appellate courts and before regulatory authorities. We also have extensive experience in advising clients in complex, precedent-setting transactional antitrust investigations and litigation, as well as routine Hart-Scott-Rodino Act matters.

We have advised and successfully represented clients regarding:

- Antitrust and Competition
- False Claims Act and Whistleblower Defense
- Health Care Privacy Litigation
- Joint Ventures, Mergers & Acquisitions Disputes
Representing national professional society of physicians and national services company in prosecuting antitrust group boycott and monopolization claims concerning allergy care.

Defended major hospital in class action lawsuits arising from hospital vendor’s unauthorized disclosure of patient health information and advised on litigation with general liability insurer for class action litigation coverage.

Achieved favorable arbitration panel ruling for University of Kansas following years of litigation in case involving inventorship credit on National Institute of Health owned patents covering cancer drug formulations.

- **Antitrust and Competition**
  - Represented North Shore Health System in acquiring Long Island Jewish Medical Center. DOJ challenged the proposed combination. Won judge denial of DOJ’s injunction request. Combination challenge case dismissed and transaction finalized.
  - Defending national durable medical equipment distributor in 11th Circuit federal district court private antitrust lawsuit. Allegations include group boycott and conspiracy to monopolize claims under federal and state antitrust laws.
  - Represented ENH Medical Group in an FTC physician price-fixing challenge. Successfully defeated the government’s summary judgment motion, which paved the way for a favorable settlement.
  - Settled without client admission of wrongdoing FTC advertising investigation into Oreck Corp.’s alleged false and deceptive claims about products’ ability to reduce illness risks and eliminate common germs and allergens.
  - Won court denial of all of specialty radiology provider claimant’s motion against client CareCore National Corp. in case alleging price fixing, boycott, tying and monopolization.
  - Achieved zero-dollar-liability settlement of aftermarket service rival’s monopolization, tying and state unfair competition claims for leading radiotherapy company Nucletron Corp., which distributes medical equipment used for cancer treatment.

- **False Claims Act & Whistleblower Defense**
• Representing a leading respiratory care provider in DOJ FCA action alleging it submitted fraudulent bills, deliberately manipulating and falsifying pulse oximetry tests in order to provide Medicare-covered oxygen to nonqualifying patients.

• Representing a national ancillary services provider against *qui tam* allegations under the False Claims Act and Anti-Kickback Statute related to its contractual arrangements with providers.

• Defended Florida-based Medicare Advantage Plan owners in DOJ and Centers for Medicare and Medicaid Services’ FCA action alleging plan submitted diagnoses that falsified severity to obtain higher Medicare payments.

• Assisting faith-based health care system in responding to a Civil Investigative Demand and litigation related to allegations of potential violations of the False Claims Act regarding Medicare and Medicaid reimbursements.

• Represented a large hospital system regarding a *qui tam* False Claims Act case brought in the Eastern District of Virginia, including allegations of Federal Anti-Kickback and Stark law violations.

– **Health Care Privacy Litigation**
  • Defended academic medical center against various privacy violation claims, including California Confidentiality of Medical Information Act violations. Case involved information disclosure to the patient’s insurer.

  • Successfully prosecuted coverage claims for national managed care organization under cyber and professional liability insurance policies for data security breach lawsuits. Involved a million+ patients potentially seeking billions in damages.

– **Joint Ventures, Mergers & Acquisitions Disputes**
  • Prosecuted highly publicized dispute and sought agreement invalidation for local hospital district with private hospital corporation regarding lease and purchase option that involved closing emergency room serving thousands of residents.

  • Successfully defended and achieved resolution of stockholder’s challenge of the merger between IDEC Pharmaceuticals and Biogen.

  • Represented Evanston Northwestern Healthcare in FTC’s long-anticipated post-consummation challenge to a major metropolitan area’s hospital merger. FTC ultimately reversed Administrative Law Judge’s earlier divestiture order.

– **Payment and Insurance Coverage Disputes**
  • Representing New York University and NYU Langone Medical Center on their more than $1.4 billion property damage and business interruption insurance claims against FM Global arising from
Superstorm Sandy.

- Defended a supplier of respiratory equipment company in a payments-related litigation brought by United Healthcare.

- Successfully defended numerous health care providers in their response to a national health insurance company seeking over $50 million in recoupment demands. Such demands were ultimately dropped in their entirety.

- Represented one of the largest providers of rehabilitation services in litigation filed against 27 health care facilities that have not paid for services rendered by our client.

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- **Insolvency Disputes**
  - Represented Saint Vincent’s Catholic Medical Centers as a reorganized debtor and served as chapter 11 counsel.
  
  - Represented Daughters of Charity Health System and its local health ministries regarding novel recapitalization program requiring California’s Attorney General approval. Described as largest and most complex nonprofit transaction in California history.
  
  - Represented Foundation Health Systems in the Delaware chapter 11 bankruptcy cases involving FPA Medical Management Inc., and its 64 affiliates.
  
  - Represented Daiwa Securities America Inc. in connection with the chapter 11 cases of Greater Southeast Community Hospital Corp., Episcopal Health Service Inc., and Olympus Healthcare.
  
  - Representing Specialty Hospitals, which consist of two long-term care hospitals and two skilled nursing facilities, in its chapter 11 case that involved a quick all-asset sale of debtors’ assets.

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- **Intellectual Property Disputes**
  - Represented pharmaceutical companies Immunex Corp. and Amgen Inc. in challenging Axel patents regarding co-transformation of mammalian cells to produce proteins of interest.
  
  - Pursued action for Invitae Corp. to have declared invalid genetic testing patents asserted by Myriad Genetics in a multidistrict litigation in Utah. Following extensive litigation, Myriad abandoned its patents enforcement efforts.

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PRACTICE AREA HIGHLIGHTS

Team members were ranked nationally by *Chambers USA* in the Healthcare Transactional category and for Healthcare – California.

Team members and the California Health Care practice are ranked by *U.S. News/Best Law Firms*. 