

Summary Judgment Motion Granted for Axinn Client UPMC

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March 27, 2019

Axinn obtained a significant victory in its representation of UPMC, a world-renowned health care provider and insurer, in an antitrust case brought by a former vendor of UPMC WorkPartners, a UPMC subsidiary providing worker's compensation insurance and Third Party Administration ("TPA") services to employers throughout Pennsylvania. On March 27, 2019, the District Court for the District of Western Pennsylvania granted Axinn's motion for summary judgment on all six antitrust counts, including claims under Section 1 and Section 2 of the Sherman Act for conspiracy, group boycott, monopolization, attempted monopolization, and exclusive dealing. Axinn successfully argued that the plaintiff failed to define any relevant markets, lacked antitrust injury, and failed to prove foreclosure or harm to competition. The Court also found that UPMC did not have market power or a dangerous probability of achieving a monopoly in the provision of worker's compensation insurance or TPA services. Axinn's resounding win led the Court to refuse supplemental jurisdiction over a remaining common law unfair competition claim, resulting in a full dismissal of the federal suit. The Axinn team was led by partners Richard Dagen and Tom Rohback, assisted by Dan Oakes and Brandon Boxbaum.

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Richard B. Dagen
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