

Medical device maker—Case of first impression

10.31.2019

Defended a leading medical device manufacturer in an action brought in the District of Connecticut by the operator of an online auction site which facilitates the purchase of medical supplies by hospitals and buying organizations. Plaintiff alleged that our client failed to make payments to the auction operator of a portion of any awarded bid, as allegedly required by the auction rules. We contended that the entire auction payment scheme violates the Federal Anti-kickback Statute as it relates to medical contracts, an issue of first impression under health care regulation. The Court agreed with us and granted summary judgment on all counts.