Haynes and Boone Court Victory for Client Tenet Featured in Law360

November 1, 2018

RELATED PRACTICES False Claims Act and Qui Tam Defense, Litigation

A team of Haynes Boone litigators, led by Partners Dan Gold and Thad Behrens, won an Oct. 9 court ruling on behalf of current and former Tenet Healthcare Corp. board members who have been sued in a Dallas state court by shareholders of the company.

Here is an excerpt of a *Law360* article about the ruling:

Current and former Tenet Healthcare Corp. board members have won a Texas court ruling that sends shareholders back to the drawing board on claims that the company leaders shirked their fiduciary duties by not stopping a kickback scheme that led to a $513 million False Claims Act settlement.

In a brief ruling Tuesday, 14th Judicial District Judge Eric V. Moyé granted the defendants so-called special exceptions in the derivative suit after they argued investors failed to sufficiently show the board members knew of any misconduct by the company. But the plaintiffs — shareholders the city of Warren Police and Fire Retirement System and Janice Stewart — have a 30-day window to replead, the judge said.

The board members had asked the court to require the shareholders to go back and fix pleading issues if the shareholders "can identify a good faith basis for doing so." If the shareholders couldn't or didn't do that, the suit should be tossed, the board members had said.

In the consolidated case, the shareholders had alleged that the board members breached their fiduciary duties by failing to adopt internal policies and controls to find, deter and prevent illegal kickbacks and bribes. And the board participated in efforts to disguise or conceal those wrongs from Tenet's shareholders, the investors have said. . .

The board members have said that Tenet is incorporated in Nevada, which has stringent pleading requirements, and that the shareholders fell short of meeting them. . . .

The current and former board members and nominal defendant Tenet are represented by Thad Behrens, Dan Gold, Nicole Somerville and William Marsh of Haynes Boone LLP, and Robert A. Van Kirk, George A. Borden and John S. Williams of Williams & Connolly LLP.

To read the full article, click here. (Subscription required)

© 2026 Haynes and Boone, LLP