

## Fifth Circuit Affirms Summary Judgment for Baptist Health System in Antitrust Appeal

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January 19, 2021 Neil Issar

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**PRACTICES** Appellate, Litigation

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The U.S. Fifth Circuit Court of Appeals unanimously affirmed a summary judgment in favor of firm client Baptist Health System (BHS).

The case stemmed from a 2018 lawsuit in which pediatric anesthesiologist Dr. Jaydeep Shah alleged Baptist Health System, its officers, and its parent company violated the Sherman Antitrust Act by excluding him and other anesthesiologists from practicing in the San Antonio area. He claimed \$19.2 million in damages.

In April 2020, Haynes Boone Partner Chris Rogers and Associate [Neil Issar](#) obtained a summary judgment for all defendants from the U.S. District Court for the Western District of Texas. The court ruled that Dr. Shah's definition of the relevant market was inadequate and that he had not provided any evidence of market-wide harm to consumers of pediatric anesthesiology services — both necessary elements in an antitrust claim.

In December, following Dr. Shah's appeal, Haynes Boone Partner Anne Johnson argued the case before the Fifth Circuit. On Jan. 13, 2021, the court affirmed the grant of summary judgment, holding that Dr. Shah's definition of the relevant market was insufficient as a matter of law.

To read the court's opinion authored by Chief Justice Priscilla Owen, click [here](#).