Haynes Boone Secures Antitrust Appellate Victory for Vizient

By Ronald W. Breaux, Bill Morrison, Benjamin G. Goodman, Andrew Guthrie

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Haynes Boone has successfully defended its 2024 antitrust victory for Vizient, Inc., a leading healthcare performance improvement company and group purchasing organization (GPO), defeating Endure Industries, Inc.'s appeal of a take-nothing summary judgment win.

The Fifth Circuit Court of Appeals affirmed in full the U.S. District Court for the Northern District of Texas's decision dismissing all of Endure's claims that Vizient's GPO programs are anti-competitive and unlawfully excluded Endure from the market.

The appeal marks the conclusion of a protracted multi-year litigation launched by Endure in 2020 following its unsuccessful attempt to become a Vizient-contracted supplier. At the trial court and on appeal, Endure's counsel argued that Vizient's supplier agreements "locked in" hospitals, undermining competition. But the trial court and the Fifth Circuit held that Endure's claims had no merit and dismissed them in full. The ruling reinforces the district court's finding that hospitals are free to purchase from any supplier and through any channel they choose.

"This appellate victory validates what we've long argued — that Vizient's programs are pro-competitive and empower hospitals with choice," said Haynes Boone Antitrust Partner Ron Breaux, who led the Haynes Boone team's efforts. "We're proud to continue protecting our client's innovative approach to healthcare supply-chain management."

He was joined in the multi-year litigation by Antitrust Partners Bill Morrison and Benjamin Goodman, Antitrust Associate Ashley Koos and Appellate Partner Andrew Guthrie.

Vizient's victory in this case confirms that GPOs play an important role in healthcare supply-chain efficiency.

The Haynes Boone Antitrust Practice Group offers sophisticated insight and strong representation for Fortune 500 companies and international corporations facing antitrust challenges. The firm's experienced team, including former federal prosecutors, navigates complex cartel enforcement proceedings, parallel investigations and treble damage litigation across various industries.

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