

Haynes Boone Secures Antitrust Victory for Vizient, Inc.

October 10, 2024 Ronald Breaux, Benjamin Goodman, Andrew Guthrie, Bill Morrison

PRACTICES Appellate, Antitrust and Competition

Haynes Boone won a significant antitrust victory for its client, [Vizient, Inc.](#), a leading healthcare performance improvement company and group purchasing organization (GPO), in a lawsuit filed by Endure Industries, Inc.

The U.S. District Court for the Northern District of Texas granted complete summary judgment in favor of Vizient, dismissing all of Endure’s antitrust claims.

Endure brought this lawsuit after participating in an open bid process that did not result in a product supply contract with Vizient being awarded to Endure. Endure claimed Vizient had unlawfully excluded it from the market for selling medical supplies to hospitals, and it argued that Vizient’s GPO contracts and supplier rebate programs are so attractive that they “lock” Vizient members into utilizing Vizient GPO contracts to purchase medical supplies.

Judge Brantley Starr disagreed and ruled that Endure had not brought any viable antitrust claims. The decision ends a four-year legal battle that began in 2020. In holding that Endure had failed to establish a legally sufficient “relevant market,” Judge Starr rejected the central premise of Endure’s lawsuit, finding hospitals are not “locked in” to using Vizient GPO contracts, and the rebate programs challenged in the lawsuit are part of the overall competitive landscape.

In short, Starr held that offering customers rebates does not lock them in to purchasing through GPO contracts. “Vizient is hardly Hotel California.”

Haynes Boone Antitrust Partner [Ron Breaux](#) led the trial team representing Vizient with support from Partners [Benjamin Goodman](#) and [Bill Morrison](#), along with associates Ashley Koos and Ben Breckler. Appellate Partner [Andrew Guthrie](#) helped to lead the briefing effort and to develop the legal strategy.

“This decision rightly recognizes that Vizient’s rebate programs offer its members more choices—not fewer,” Breaux said. “There’s nothing more pro-competitive than that. Vizient’s programs don’t violate antitrust law – they offer value to members.”

At bottom, Endure’s lawsuit was an attack on GPOs generally and on the pro-competitive benefits that GPOs and suppliers offer to hospitals and other purchasers of medical supplies. Vizient’s win has broad implications for the supply chain industry and for maintaining the vibrant and varied competitive ecosystem in which healthcare providers and suppliers choose to buy and sell products.

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.