

## Endosurgical (Trocars)

Related Lawyers: **Brent W. Landau**

Related Practice Areas: **Antitrust / Competition**

In re: Endosurgical Products Direct Purchaser Antitrust Litigation, 05-cv-8809 JVS (MLG) - Hausfeld served as co-lead counsel for a class of direct purchasers of endosurgical products, including trocars and clip appliers.

Plaintiffs alleged that Defendants Johnson & Johnson, Johnson & Johnson Health Care Systems, Inc., Ethicon, Inc., and Ethicon Endo-Surgery, Inc. violated the antitrust laws by bundling endosurgical products with other products, i.e., penalizing customers that did not purchase high percentages of both sutures (a market that the defendants already dominated) and endosurgical products (a market in which they sought to exclude competition), couching these penalties in terms of foregone "rebates" or "discounts." Defendants also allegedly included anticompetitive provisions in their contracts with hospitals and group purchasing organizations.

On May 12, 2009, the Court granted final approval to a settlement under which Defendants paid \$13 million in cash, agreed to restrictions on contracting practices worth over \$26 million, and paid the costs of notice and administration of the settlement. The settlement fund was distributed to class members in September 2011.