

Vaccines

Related Lawyers: **Brent W. Landau**

Related Practice Areas: **Antitrust / Competition**

Adriana M. Castro, M.D., P.A., et al. v. Sanofi Pasteur Inc., 2:11-cv-07178-JLL-MAH (D.N.J.).

– Hausfeld represented a class of hospitals and medical providers in an antitrust class action alleging illegal bundling and monopolization.

Hausfeld represented Sugartown Pediatrics, LLC, in a suit brought against Sanofi Pasteur Inc., a monopolist of meningitis and related pediatric vaccines.

Hausfeld alleged that Sanofi imposed restrictive contractual terms on hospitals, physician practices, and other medical providers that condition pricing on Sanofi's pediatric vaccines on purchasers' commitment to purchase their requirements for meningitis vaccines, for which Sanofi faced heightened competition from a rival. If medical providers purchased meningitis vaccines from Sanofi's rival, Sanofi's contracts called for substantial price penalties on those medical providers in the form of higher prices on Sanofi's broad pediatric vaccine portfolio. These restrictive contractual terms inflated the prices paid by meningitis vaccine purchasers by making it economically infeasible for customers to purchase meningitis vaccines from Sanofi's rivals. This conduct was alleged to have violated the Sherman Act's prohibition on bundling and monopolization.

Sanofi's motion to dismiss was denied, its counterclaim against the class members was dismissed with prejudice, and Sanofi's bid for interlocutory appeal was also defeated. The court, following a three-day Daubert hearing, denied Sanofi's motion to exclude the testimony of the plaintiffs' expert economist and certified the class under Rule 23(b)(3). The Third Circuit denied Sanofi's request for permission to appeal the certification order, and the case settled in December 2016 for \$61.5 million.