

Lessons from the DaVita Win

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Some of my trials have been conducted in relative obscurity. Sure, all were absolutely important to the participants but not always so to the outside world.

I've had a few that attracted a fair amount of attention. The I-30 condo case had so much attention it had to be moved out of Dallas. The Risperdal trial in Austin was streamed for viewing over the internet. And, of course, the *SEC v. Cuban* case attracted every outlet from ESPN to *The Wall Street Journal*.

But *United States v. DaVita, Inc. and Kent Thiry* in Denver was a different animal altogether. It attracted an intensely focused interest on a very particular world – antitrust. It was the first criminal case alleging an illegal conspiracy involving a nonsolicitation or “no-poach” agreement. The Department of Justice has amped up its efforts in investigating and prosecuting cases involving labor markets – as opposed to product markets – and this unprecedented case was the debut of this strategy.

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