



## David A. Argue, Ph.D.

### Managing Director

#### Current Position

Dr. Argue is a Managing Director at Secretariat Economists.

#### Professional Experience

At Secretariat Economists, Dr. Argue analyzes competition and performs damages analyses in various health care markets for government merger reviews and private antitrust litigation. He has also taught MBA-level courses in the economics of health care at the Carey Business School of Johns Hopkins University and authored several articles and presentations on health care competition matters. Among the health care areas in which Dr. Argue has consulting experience are hospitals, physician practices, ambulatory surgery centers, health insurance, prostheses, and pharmaceuticals. Dr. Argue's experience includes trial testimony in *FTC v. Otto Bock HealthCare* and *Saint Alphonsus et al. and FTC v. St. Luke's Health System* as well as before the Utah legislature about health care markets in Utah. Dr. Argue co-authored an article in *Antitrust* magazine entitled "Cross-Market Health Care Provider Mergers: The Next Enforcement Frontier" (Fall 2015). Among the other articles authored by Dr. Argue are "Reexamining DOJ's Predation Analysis in United Regional" (*Antitrust Health Care Chronicle*, January 2012), "An Innovative Approach to an Old Problem: Hospital Merger Simulation" (*Antitrust* magazine, Fall 2009) and "An Economic Model of Competition Between General Hospitals and Physician-owned Specialty Facilities" (*Antitrust Bulletin*, Fall-Winter 2007). Dr. Argue has also delivered numerous presentations and published other articles on topics involving health care economics issues.

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#### Professional History

- Secretariat Economists
- Johns Hopkins University, Carey Business School

#### Education

- Ph.D., Economics, University of Virginia
- M.A., Economics, University of Virginia
- B.A., Economics and International Studies, American University

#### Accreditations

- Antitrust Practice Group of American Health Law Association
- Who's Who Legal, Recommended Competition Economist, 2017-2022; Thought Leader-Competition Economist, 2022-2023

Dr. Argue has also performed competition and damages analyses in other industries, and has he conducted damages analyses in several employment-related matters.

In addition, he has expertise in environmental matters including commercial damages estimates in the Exxon Valdez oil spill, assessment of natural resource damage claims, and class certification in environmental litigation. Dr. Argue authored an article entitled "The Deepwater Horizon Oil Spill and Seafood Prices" that appeared in the November 2010 issue of *Environmental Law Reporter*. Previously he co-authored a book entitled *The Economics of a Disaster: The Exxon Valdez Oil Spill*.

## Testimony

- Deposition and expert report on behalf of defendant in *State of Washington v. Johnson & Johnson/Janssen Pharmaceuticals, et al.* (No. 20-2-00184-8 SEA, State of Washington, King County Superior Court), May 2022.
- Deposition and expert report on behalf of defendant in *Capital Health v. Drexel University* (C.A. No.: 3:15-cv-08288-MAS-LHG, U.S. District Court, District of New Jersey), March 2022.
- Deposition and expert report on behalf of plaintiff in *CareCentrix v. Marcus Lanznar and Signify Health* (C.A. No.: 20-cv-01765-LPS, U.S. District Court, District of Delaware), March 2021.
- Arbitration hearing testimony, deposition, and expert report on behalf of claimant in *Prime Healthcare v. Blue Shield of California* (JAMS Ref. 12200646), September-October 2020.
- Deposition and expert reports on behalf of claimant in *Sutter Health v. Anthem Blue Cross of California* (JAMS Ref. 1130006765), August and December 2020.
- Trial testimony, deposition, and expert report on behalf of plaintiff in *Air Evac v. Medical Mutual of Ohio* (No. 1:16-cv-00080-SO, U.S. District Court, Northeastern District of Ohio, Eastern Division), August 2017, June 2019, September 2019.
- Trial testimony, deposition, and expert report on behalf of plaintiff in *21st Century Oncology v. The Honorable Ashley B. Moody as the Attorney General of the State of Florida et al.* (No. 4:19-cv-00298-MW-CAS, U.S. District Court, Northern District of Florida), July 2019.
- Arbitration hearing testimony, depositions, and expert reports on behalf of claimants in *Doctors Hospital of Manteca et al. v. Kaiser Foundation Health Plan* (JAMS Ref. 1130006812), March-April 2019.
- Hearing testimony and depositions on behalf of applicant in *Certificate of Need Application of Lee Memorial Health* (CON Application 10524, Office of Certificate of Need, Tallahassee, Florida), October 2018, January 2019.
- Hearing testimony on behalf of applicant in *Matter of RBR Management, LLC dba Community Ambulance* (No. 2017-EMS-0104-DHS, EMS No. 0283, Office of Administrative Hearings, Maricopa County, Arizona), October 2018.
- Expert Report for Pennsylvania Insurance Department *In Re Application of CVS Health Corporation for Approval of the Acquisition of Control of Aetna Health Insurance Corporation* (No. ID-RC-18-14, Insurance Commissioner of Commonwealth of Pennsylvania), October 2018.
- Trial testimony, deposition, and expert report on behalf of respondent Otto Bock in *FTC v. Otto Bock HealthCare* (FTC Docket No. 9378), June 2018, September 2018.

- Deposition and expert report on behalf of plaintiff in *Air Evac EMS, Inc. v. State of Texas, Ex Rel. Department of Insurance and Texas Mutual Insurance Company, et al.* (CA No. 1:16-cv-00060-SS, U.S. District Court, Western District of Texas, Austin Division), March 2018.
- Hearing testimony on behalf of respondent Ascension Wisconsin in *Marshfield Clinic Conditional Use Permit Application* (Oneida County, Wisconsin, Planning & Development Committee), April and December 2017.
- Deposition and expert report on behalf of plaintiff in *The Nemours Foundation v. Unison Health Plan of Delaware* (CA No. 1:15-CV-00319-RGA, U.S. District Court for the District of Delaware), September 2016.
- Arbitration hearing testimony, deposition and expert report on behalf of claimants in *Sutter Health v. California Physicians Service dba Blue Shield of California* (No. 1130006105, JAMS Arbitration), May and June 2016.
- Hearing testimony on behalf of applicant *In the Matter of: Maricopa Ambulance, Applicant* (No. 2015A-EMS-0190-DHS, Office of Administrative Hearings, Maricopa County, Arizona), October 2015.
- Deposition and expert report on behalf of defendant in *Advanced Chiropractic and Health Center, et al. v. Health Network Solutions* (No. 13-CVS-2595, State of North Carolina, County of Forsyth, General Court of Justice, Superior Court Division), July 2015.
- Deposition and expert report on behalf of defendants in *Kissing Camels Surgery Center, et al. v. Centura Health Corporation* (No. 1:12-CV-03012-WJM-BNB, U.S. District Court for the District of Colorado), July 2014.
- Deposition and expert report on behalf of defendants in *Medical Center at Elizabeth Place v. Premier Health Partners* (No. 3:12-CV-00026, U.S. District Court for the Southern District of Ohio, Western Division), June 2014.
- Deposition (30(b)(6)) on behalf of defendant in *Pacific Radiation Oncology v. The Queen's Medical Center* (No. 12-00064 LEK-KSC, U.S. District Court for the District of Hawaii), May 2014.
- Deposition, expert report and Daubert hearing testimony on behalf of defendant in *Monroe Surgical Hospital v. St. Francis Medical Center* (No. 06-1700, Louisiana Fourth Judicial District Court, Parish of Ouachita), April and October 2014.
- Trial testimony, deposition, and expert reports on behalf of defendant in *Saint Alphonsus Medical Center, et al. and Federal Trade Commission, et al. v. St. Luke's Health System* (No. 1:12-CV-00560-BLW, U.S. District Court in the District of Idaho), December 2012, October 2013.

- Deposition and expert report on behalf of defendant in *State of California, ex rel. Rockville Recovery v. Sutter Health* (No. 34-2010-00079432, Superior Court of California, County of Sacramento), August 2013.
- Affidavit on behalf of defendant in *Rodney Posey, D.O. v. Tupelo Anesthesiology Group* (No. 3:11-CV-49-MPM-SAA, U.S. District Court for the Northern District of Mississippi, Western Division), January 2012.
- Trial testimony and expert report on behalf of defendant in *Iacangelo v. Georgetown University Hospital, et al.* (No.1:05-CV-02086, U.S. District Court for the District of Columbia), January 2011.
- Deposition and expert report on behalf of defendants in *Wood v. Archbold Medical Center, et al.* (No. 7:07-CV-00109-WLS, U.S. District Court for the Middle District of Georgia, Valdosta Division), February 2009.
- Deposition and expert report on behalf of defendants in *Omnicare, Inc. v. United Health Group, PacifiCare Health Systems, Inc. et al.* (No. 1:06-CV-06235, U.S. District Court for the Northern District of Illinois, Eastern Division), June 2008.
- Testimony before Utah State Legislature, Task Force on Privately Owned Health Care Organizations regarding report entitled, "Competition in Utah Health Care Markets," May and June 2006.
- Deposition and affidavit on behalf of defendants in *Philip D'Arrigo v. South Jersey Hospital System, et al.* (C-34-99, Superior Court of New Jersey, Chancery Division, Cumberland County), June 2006.
- Affidavit on behalf of defendants in *Nadler v. Aspen Valley Hospital, et al.* (No. 99-RB-1763 (MJW), U.S. District Court for the District of Colorado), May 2005.
- Deposition and affidavit on behalf of defendants in *Ayodeji O. Bakare, M.D. v. PinnacleHealth Hospitals, et al.* (C.A. No. 1: CV-03-1098, U.S. District Court for the Middle District of Pennsylvania), June 2005.
- Affidavit in *Arbitration Between the City of Hallandale Beach and Reuter Recycling.* (American Arbitration Association Hearing, No. 3218100758-02), September 2004.
- Trial testimony on behalf of plaintiff in *Geisinger Clinic v. Bernard C. Adukaitis, D.O.* (No. S-725-2003, Court of Common Pleas of Schuylkill County, Pennsylvania), June 2003.
- Deposition and affidavit on behalf of defendants in *Grand Valley Health Plan, et al. v. Gambro Health Care of Michigan, et al.* (No. 1:00-CV-873, U.S. District Court for the Western District of Michigan), March 2002.
- Affidavit on behalf of defendants in *Terrence E. Babb., M.D. v. Penn State Geisinger Health System, et al.* (No. 4: CV99-1951, U.S. District Court for the Middle District of Pennsylvania), January 2001.

- Affidavit on behalf of defendant in *J.F. Energy Corporation v. Carlos R. Leffler, Inc., et al.* (No. 98CV-5219, U.S. District Court for the Eastern District of Pennsylvania), October 2000.
- Affidavit on behalf of plaintiff in *In Re: Graham-Field Health Products, Inc.* (No. 99-4457(MFW), United States Bankruptcy Court for the District of Delaware), July 2000.
- Deposition and affidavit on behalf of defendants in *Methodist Hospitals of Dallas v. Physicians Reliance Network, et al.* (No. 96-01253, District Court of Dallas County, Texas, 44th Judicial District), March 1998.
- Deposition in Certificate of Need hearing for Big Cypress Medical Center. (No. 96-1020, State of Florida, Division of Administrative Hearings), January 1997.

### Representative Engagements

- *Deaconess Acquisition of Quorum Hospitals.* Hart-Scott-Rodino review of hospital transaction in southern Indiana and southern Illinois.
- *Emergency Physician Class Action Litigation.* Expert report on behalf of defendant in class action litigation regarding billing practices in California.
- *USC Health Acquisition of Methodist Hospital.* Hart-Scott-Rodino and Attorney General review of hospital transaction in the Los Angeles area.
- *Concord Hospital Acquisition of Lakes Region Health System.* Hart-Scott-Rodino and Attorney General review of hospital transaction in central New Hampshire.
- *Mass General Brigham Proposed Acquisition of Exeter Hospital.* Hart-Scott-Rodino and Attorney General review of proposed hospital transaction in southern New Hampshire.
- *Analysis of Value of Vertical Integration for Sentara/Optima Health.* Analysis prepared for Sentara Health assessing the value of vertical integration among its hospitals, physicians, and health plan.
- *Peninsula Regional Health Merger with Nanticoke Memorial Hospital.* Hart-Scott-Rodino review of hospital transaction in Maryland-Delaware area.
- *Ottobock N.A. Acquisition of Sabolich Clinics & Research.* FTC review of vertical transaction in orthotic and prosthetic device industry.
- *CHI St. Joseph Acquisition of College Station Medical Center.* FTC and Texas Attorney General review of hospital transaction in College Station, Texas.
- *UPMC-Highmark Consent Decree.* Assist UPMC oppose expansion of Consent Decree proposed by Pennsylvania Attorney General.

- *Baptist Health System Acquisition of Boca Raton Hospital.* Hart-Scott-Rodino review of hospital transaction in eastern Florida.
- *Western Connecticut Health System Merger with HealthQuest.* Hart-Scott-Rodino review of hospital transaction in western Connecticut and eastern New York.
- *Southern New Hampshire Health System Merger with Elliot Health System.* Hart-Scott-Rodino review of hospital transaction in southern New Hampshire.
- *IU Health Acquisition of Premier Healthcare.* Analysis of competition in physician services markets in southern Indiana.
- *Emory University Health Acquisition of DeKalb Medical.* Hart-Scott-Rodino review of hospital transaction in suburban Atlanta.
- *Greenville Health System Merger with Palmetto Health.* Hart-Scott-Rodino review of hospital transaction in central South Carolina.
- *St. Luke's University Health System Acquisition of Sacred Heart Hospital.* Hart-Scott-Rodino review of hospital transaction in eastern Pennsylvania.
- *University Health Services-Trinity Hospital Acquisition.* Hart-Scott-Rodino review of hospital and physician transaction in Augusta, Georgia.
- *Anthem-Cigna Health Insurance Transaction.* Analysis of market definition and competitive effects; submission of expert reports to state insurance regulators.
- *Massachusetts General Hospital Acquisition of Wentworth-Douglass Hospital.* Hart-Scott-Rodino review of hospital transaction in New Hampshire.
- *Fairview Health System Acquisition of Health East.* Hart-Scott-Rodino review of hospital and physician transaction in Minneapolis.
- *St. Francis Health System Acquisition of Eastar Health System.* FTC review of hospital and physician transaction in eastern Oklahoma.
- *Lehigh Valley Health Network Acquisition of Pocono Medical Center.* FTC and Attorney General review of hospital transaction in eastern Pennsylvania.
- *Lehigh Valley Health Network Acquisition of Schuylkill Medical Center.* Attorney General review of hospital transaction in central Pennsylvania.
- *UPMC Acquisition of Jameson Hospital.* Attorney General review of hospital transaction in western Pennsylvania.

- *Fairview Health System Proposed Acquisition of University of Minnesota Physicians*. FTC review of multi-specialty physician services transaction in Minneapolis.
- *Hershey Medical Center-Pinnacle Health Merger*. Hart-Scott-Rodino review of proposed hospital transaction in central Pennsylvania.
- *Northwestern Health Acquisition of KishHealth*. Hart-Scott-Rodino review of hospital transaction in suburban Chicago.
- *BJC Health System Acquisition of Memorial Hospital Belleville*. Hart-Scott-Rodino review of hospital and physician transaction in St. Louis.
- *BJC Health System Acquisition of Mineral Area Regional Medical Center*. FTC review of hospital transaction in southeastern Missouri.
- *32<sup>nd</sup> Street Surgery Center v. HMO Missouri*. Expert report for defendant in alleged exclusionary conduct matter.
- *University of Michigan Health System Proposed Acquisition of Allegiance Health*. Hart-Scott-Rodino review of hospital transaction in southern Michigan.
- *Community Health System Acquisition of Sharon Regional Hospital*. Hart-Scott-Rodino review of hospital transaction in western Pennsylvania.
- *University Hospitals Acquisition of Parma Community General Hospital and EMH Healthcare*. Hart-Scott-Rodino review of hospital transactions in the Cleveland area.
- *WellSpan Health System Acquisition of Ephrata Community Hospital*. Hart-Scott-Rodino review of hospital transaction in central Pennsylvania.
- *Montefiore Medical Center Acquisition of Sound Shore Health System*. Hart-Scott-Rodino review of hospital transaction in New York City area.
- *Geisinger Health System Acquisition of Lewistown Hospital*. Hart-Scott-Rodino review of hospital and physician transaction in central Pennsylvania.
- *Dartmouth-Hitchcock Economic Impact Study*. Study of the impact of Dartmouth-Hitchcock Health System on the economy of the State of New Hampshire.
- *Lehigh Valley Health Network – St. Luke’s University Health Network Hospice Merger*. FTC review of merger of hospice operations in eastern Pennsylvania.
- *Lehigh Valley Health Network Acquisition of Greater Hazelton Health Alliance*. Hart-Scott-Rodino review of hospital transaction in eastern Pennsylvania.

- *UPMC Acquisition of Altoona Regional Health System*. Hart-Scott-Rodino review of hospital transaction in Altoona, PA.
- *Western Connecticut Health System Acquisition of Norwalk Health*. Hart-Scott-Rodino review of hospital transaction in western Connecticut.
- *Mt. Sinai Medical Center Acquisition of Continuum Health Partners*. Hart-Scott-Rodino review of hospital transaction in New York, NY.
- *Cone Health Acquisition of Alamance Regional Medical Center*. Hart-Scott-Rodino review of hospital and physician transaction in Greensboro-Burlington, NC.
- *Care New England Acquisition of Memorial Hospital*. Hart-Scott-Rodino review of hospital transaction in Providence, RI.
- *HealthPartners, Park Nicollet Affiliation*. Hart-Scott-Rodino review of hospital and physician transaction in Minneapolis–St. Paul.
- *Sutter Health v. Kaiser Health System*. Analysis for plaintiff of hospital and physician markets in northern California in dispute over health plan payment rates.
- *MultiCare Health System Acquisition of Auburn Regional Medical Center*. Hart-Scott-Rodino review of hospital transaction in suburban Tacoma, Washington.
- *Proposed Consolidation of NYU Langone Medical Center and Continuum Health Partners*. Competition analysis of aborted hospital transaction in New York City.
- *Proposed Acquisition of PharMerica by Omnicare*. Hart-Scott-Rodino review of proposed merger of institutional pharmacy providers.
- *Gessner v. Memorial Hospital, et al.* Statistical analysis for defendant in tortious interference claim regarding referrals from hospital emergency room.
- *Community Health Services Acquisition of Moses Taylor Hospital*. Hart-Scott-Rodino review of hospital transaction in Scranton, PA.
- *Stellaris Health Network Proposed Acquisition of Hudson Valley Hospital Center*. Hart-Scott-Rodino review of proposed hospital transaction in Westchester County, NY.
- *Investigation by Department of Justice of UPMC and Highmark*. Analysis on behalf of UPMC of antitrust economic issues related to market structure, contracting behavior and vertical relationships.
- *J. Randall Rauh, M.D. v. Holy Rosary Healthcare*. Expert report in alleged monopolization matter involving physician privileges.



- *Northeast Health, St. Peters, Seton Hospital Merger*. Hart-Scott-Rodino review of hospital transaction in Albany, NY.
- *Glynne v. Wilmed Healthcare*. Analysis of antitrust allegations for defendants in ob/gyn services litigation.
- *Radiology Consultants v. Washoe Health System*. Liability and damages analyses for defendants in monopolization and tying claim.
- *Clarian Health Partners Merger with Bloomington Hospital*. Hart-Scott-Rodino review of hospital transaction in central Indiana.
- *Banner Health Acquisition of Sun Health*. Hart-Scott-Rodino review of hospital transaction in Phoenix, Arizona.
- *St. Elizabeth Medical Center Acquisition of St. Luke Hospitals*. Hart-Scott-Rodino review of hospital transaction in the Kentucky suburbs of Cincinnati, Ohio.
- *Patel v. Verde Valley Medical Center, et al.* Analysis of monopolization and tying claims in cardiology services on behalf of defendants.
- *UPMC Acquisition of Mercy Hospital*. Hart-Scott-Rodino and Pennsylvania Attorney General review of hospital transaction in Pittsburgh, Pennsylvania.
- *Ochsner Health System Acquisition of Tenet Healthcare Hospitals*. Hart-Scott Rodino review of hospital transaction in New Orleans, Louisiana.
- *Arizona Nursing Services Investigation and Litigation*. Economic analysis on behalf of defendants in government investigation and private litigation of alleged monopsony purchasing of temporary nursing services.
- *Pym v. Einstein Practice Plan*. Damages report in arbitration hearing on behalf of defendant.
- *Geisinger Health System Acquisition of Mercy Hospital of Wilkes-Barre*. Market and competition analysis for merging parties before Pennsylvania Attorney General.
- *Federal Trade Commission Investigation of Pediatrix Medical Group*. Analyses of market structures, pricing, etc. for retrospective merger review in neonatology services.
- *Investigation by Department of Justice of Anthem Health Plan of Indiana*. Analysis on behalf of Anthem of market conditions and impact of MFN agreements.
- *Blume v. Marian Health Center, et al.* Analysis of antitrust allegations in pain management services for defendant hospital.

- *Cemex/RMC Acquisition*. Hart-Scott-Rodino review of cement, ready mix and block products transaction.
- *Havasu Surgery Center v. Havasu Regional Medical Center*. Damages analysis for defendants in case of alleged interference with business expectancy.
- *Metropolitan Medical Services of NC v. Draegerwerk AG*. Damages analysis for plaintiff service organizations of anesthesia equipment.
- *Valley Baptist Medical Center Acquisition of Brownsville Medical Center*. Hart-Scott-Rodino and Texas Attorney General review of hospital transaction in Brownsville, Texas.
- *Altoona Hospital Affiliation with Bon Secours Holy Family Hospital*. Financial and competition analysis for antitrust review of hospital transaction.
- *Fisher Scientific Acquisition of Apogent Technologies*. Hart-Scott-Rodino review of clinical and research laboratory products acquisition.
- *First American/Transamerica Transaction*. Hart-Scott-Rodino review of real estate property tax and flood insurance services acquisition.
- *Tenet Healthcare Proposed Acquisition of Slidell Memorial Hospital*. Competition analysis of hospital transaction in Slidell, Louisiana.
- *Anderson v. Washington Post*. Damages analysis for defendant in employment discrimination case.
- *American Chiropractic Association v. Trigon Healthcare*. Analysis of restraint of trade allegations in chiropractic services on behalf of defendants.
- *Ardent Health System Acquisition of Lovelace Health System*. State insurance department review of hospital and health insurance plan acquisition.
- *CIGP v. Banner Health System*. Analysis for defendant of monopolization and restraint of trade in cardiac catheterization services.
- *HealthAmerica v. Susquehanna Health System*. Competition analysis for defendant hospitals in monopolization claim.
- *Robinson v. The Detroit News*. Damages analysis for defendant in sex discrimination matter.
- *HCA Acquisition of HealthSouth Medical Center*. Hart-Scott-Rodino review of hospital transaction in Richmond, Virginia.
- *Tenet Healthcare Acquisition of Daniel Freeman Hospitals*. Hart-Scott-Rodino review of hospital acquisition in Los Angeles, California.

- *Tenet Healthcare Acquisition of Intracoastal Health System*. Hart-Scott-Rodino review of hospital merger in Palm Beach County, Florida.
- *Gordon v. Lewistown Hospital*. Analysis for defendant of restraint of trade and tying claims of ophthalmologist.
- *St. Luke's Hospital v. California Pacific Medical Center*. Competition analysis for defendant hospital of tying claim.
- *Continental Orthopedic Appliances v. Health Insurance Plan of Greater New York*. Analysis of competition for defendants in orthotics and prosthetics industry monopolization claim.
- *Lincoln Electric Acquisition of Charter, PLC*. Hart-Scott-Rodino review of competition in welding products industry.
- *State of Michigan v. Gambro Healthcare*. Competition analysis for defendants in renal dialysis monopolization claim.
- *ZC Sterling v. Nations Data*. Damages analysis for plaintiff in theft of trade secrets claim in real estate tax outsourcing business.
- *Ahold/Pathmark Proposed Acquisition*. Hart-Scott-Rodino review of competition related to grocery store chain acquisition.
- *Cunico and Curran v. New Mexico Blue Cross and Blue Shield*. Analysis of plaintiff chiropractors' allegations of restraint of trade.
- *Bender v. Suburban Hospital*. Damages analysis for defendant in matter of physician's loss of privileges.
- *Bizzle v. Northern Montana Hospital*. Analysis for defendants of orthopedic surgeon's claim of monopolization.
- *Kressel v. Gannett Co*. Damages analysis for defendant in age discrimination matter.
- *Greenkeepers v. Softspikes*. Competitive analysis for defendants of foreclosure claim in plastic golf cleats industry.
- *Sisters of Charity/Columbia-HCA Acquisition*. Antitrust analysis and efficiency study in Hart-Scott-Rodino review of hospital merger in Beaumont, Texas.
- *Forest Protection Ltd. v. Bayer AG, et al*. Cost-based damages model for defendant pesticide manufacturers in price-fixing litigation.
- *Topper v. Paik, et al*. Damages analysis of lost income and profits from delay of hospital transaction.

- *Burlington Drug v. VHA*. Analysis of competition for defendant group purchasing organization in monopolization and foreclosure claim.
- *Lutheran Health System/Samaritan Health Merger*. Hart-Scott-Rodino review of competition for merger of Phoenix, Arizona hospital systems.
- *Sisters of Charity/Wadley Memorial Acquisition*. Competitive analysis and efficiency study for Hart-Scott-Rodino review of hospital acquisition in Texarkana, Texas.
- *FTC v. Tenet Healthcare*. Analysis and litigation support on behalf of merging hospitals in Poplar Bluff, Missouri.
- *Sentara Healthcare/Tidewater Healthcare Consolidation*. Antitrust analysis and efficiency study in Hart-Scott-Rodino review of hospital merger.
- *Nebraska Physician Merger*. Review and analysis of competitive effects of physician group merger.
- *Iowa Eye v. Noyes*. Competition and damages analysis for defendant ophthalmologists and optometrists in a restraint of trade claim.
- *Timberlawn Psychiatric Hospital v. Tenet Healthcare*. Analysis for defendants of attempted monopolization claim.
- *CIGNA/Healthsource Acquisition*. Hart-Scott-Rodino review of health insurance plan merger.
- *Angelico v. Lehigh Valley Hospital*. Competitive analysis for defendants in restraint of trade claim for cardiac surgery services.
- *Brader v. Allegheny General Hospital*. Damages analysis for vascular surgeon in breach of contract matter.
- *Freedman v. Flagler Hospital*. Analysis for defendant of monopolization claim by obstetrician.
- *Maine Medical Center/Blue Cross-Blue Shield Joint Venture*. Competitive analysis of health insurance product joint venture.
- *Polyfibron Technologies/Lee Industries Acquisition*. Hart-Scott-Rodino review of printing plates merger.
- *Hager v. Venice Hospital, et al.* Analysis for defendants of monopolization claims regarding exclusive radiology contract.
- *Mussallem v. Flagler Hospital, et al.* Competitive analysis for defendants of closure of birthing home.

- *Brokerage Concepts v. U.S. Healthcare*. Expert report for defendants of alleged exclusionary practices in health plan network services.
- *Delaware Health Care v. Medical Center of Delaware*. Analysis for defendants of restraint of trade claims in home health care services.
- *Dench v. Centre Community Hospital*. Competitive analysis of monopolization claims regarding exclusive anesthesiology contract for defendants.
- *Conemaugh/Good Samaritan Hospital Merger*. Analysis and presentation regarding hospital costs as part of Federal Trade Commission Hart-Scott-Rodino review of hospital merger.
- *Ambulance Service Contract*. Analysis for defendant of plaintiff's antitrust claims in emergency ambulance service contracting and provision.
- *Columbia HCA/University Medical Center Jacksonville Joint Venture*. Department of Justice Hart-Scott-Rodino review of hospital merger.
- *Zelman v. Brighton Medical Center, et al.* Analysis of obstetrician's monopolization and restraint of trade claims for defendant hospitals.
- *U.S. Sound Recording Industry*. Economic assessment of U.S. sound recording industry for trade association.
- *Owensboro-Daviess County Hospital/Mercy Hospital consolidation*. Hart-Scott-Rodino review of hospital merger in Owensboro, Kentucky.
- *Hospital-Physician Group Acquisition*. Federal Trade Commission review of acquisition of physician groups by Fletcher-Allen Health Care Center.
- *Prime Time Access Rule*. Comments to Federal Communications Commission on behalf of ABC, CBS and NBC regarding elimination of Rule.
- *Natural Resource Damages*. Critical review of trustee's valuation and calculation of alternative valuation of lost recreational use of beach and boating areas due to oil spill.
- *Siegel v. Psychiatric Associates*. Analysis of psychiatrist's restraint of trade and monopolization claims for defendants.
- *U.S. v. Mercy Health Services and Finley Tri-States Health Group*. Work on behalf of defendants in support of hospital merger.
- *GenCare Health System/United Health Care Acquisition*. Department of Justice Hart-Scott-Rodino review of health insurer merger.

- *Mathews v. Lancaster General Hospital, et al.* Analysis on behalf of defendants of orthopedist's restraint of trade claims.
- *Oil Spill.* Calculated loss of value to commercial property contaminated by an oil spill.
- *Northeast Health Systems/Cape Anne Health System Merger.* Department of Justice Hart-Scott-Rodino review and Commonwealth of Massachusetts review of hospital merger.
- *Swarthmore Radiation Oncology v. Riddle Memorial Hospital, et al.* Analysis of group boycott claims on behalf of defendants.
- *Lang v. Lehigh Valley Hospital Center, et al.* Work for hospital analyzing obstetrician's restraint of trade claims.
- *Home Health Specialists v. Liberty Health System.* Analysis for defendants of monopolization and boycott claims in-home health care.
- *PanAmSat v. Comsat.* Calculation of plaintiff's damages from loss and delay of satellite business.
- *Eaton/Westinghouse Acquisition.* Analysis of industrial controls and distribution equipment for parties in Hart-Scott-Rodino review by Department of Justice.
- *Bristol Steel and Iron Works v. Bethlehem Steel Corporation.* Analysis of price discrimination and monopolization claims on behalf of Bethlehem.
- *Friedman v. Delaware County Memorial Hospital.* Analysis for defendant of pulmonologist's claim of restraint of trade.
- *Pittsburgh Newspaper Merger.* Hart-Scott-Rodino review by Department of Justice. Involved presentation on behalf of merging parties to Department staff.
- *Farr v. Healtheast Corporation, et al.* Analysis of obstetrician's claim of restraint of trade and attempted monopolization on behalf of defendant.
- *Sacramento River Chemical Spill.* Analysis on behalf of defendant of economic aspects of class certification claims.
- *Exxon Valdez Oil Spill.* Calculation of what seafood prices in Alaska would have been without the oil spill.
- *Crystal Chemical Hazardous Waste Site Cleanup.* Analysis of competitive effects of government regulations on cleanup of hazardous waste site.

### **Presentations and Publications**

- "How Will the FTC Evaluate Pandemic-Weakened Hospitals?" *Economists Ink*, Fall 2020.

- “Economic Aspects of Price Transparency in Healthcare,” Presentation at the AHLA Annual Meeting, July 2020.
- “Hospital Merger Review May Need to Consider the Role of Complementarities,” *Economists Ink*, Spring 2019.
- “What’s the Right Price? Disputes Over Payments to Out-of-Network Providers,” Presentation at AHLA Annual Meeting, June 2017.
- “Theory and Estimation of Cross-Market Competitive Effects,” Presentation at ABA/AHLA Antitrust in Healthcare Conference, May 2016.
- “An Examination of New Theories on Price Effects on Cross-Market Hospital Mergers,” [www.blog.aha.org/post/160407](http://www.blog.aha.org/post/160407), April 2016.
- “Cross-Market Theories of Harm to Competition in Healthcare,” *Economists Ink*, Winter 2016.
- “Issues in Health Plan Consolidation,” Credit Suisse Healthcare Conference, December 2015
- “Cross-Market Health Care Provider Mergers: The Next Enforcement Frontier,” *Antitrust*, coauthor (with Scott D. Stein), Fall 2015.
- “Bargaining Models in Antitrust Reviews of Healthcare Transactions,” presentation at ABA/AHLA Antitrust in Healthcare Conference, May 2014.
- “Healthcare Antitrust Bootcamp Webinar Series, Part II: Mergers, Affiliations and Acquisitions,” webinar presentation for AHLA Antitrust Practice Group, November 2013.
- *Antitrust and Healthcare: A Comprehensive Guide* (chapter on medical staff privileges and exclusive contracts), published by AHLA, 2013.
- “Economics of Hospital Competition: Price Regulation,” presentation at FTC Microeconomics Conference, November 2012.
- “Provider Power Uses and Abuses,” presentation at ABA/AHLA Antitrust in Healthcare Conference, May 2012.
- “FTC v. Pro Medica: Views from Both Sides of a Contested Merger,” webinar presentation for AHLA Antitrust Practice Group, April 2012.
- *Market Definition in Antitrust, Theory and Case Studies* (chapter on healthcare provider markets), published by ABA, March 2012.
- “Reexamining DOJ’s Predation Analysis in United Regional,” *Antitrust Health Care Chronicle*, January 2012.

- “Healthcare Antitrust Bootcamp Webinar Series, Part V: Monopolization,” webinar presentation for AHLA Antitrust Practice Group, January 2012.
- “Antitrust Guidance for ACOs: Understanding the Antitrust Enforcement Agencies’ Final Policy Statement,” webinar presentation for AHLA Antitrust Practice Group, November 2011.
- “Powerful Hospital Meets Powerful Payor,” presentation at AHLA Annual Meeting, June 2011.
- “Price Variation Analysis in the Massachusetts Attorney General’s Hospital Costs Study,” presentation at AHLA Annual Meeting, June 2011.
- “The ABCs of Calculating Damages in MCO Litigation,” presentation before ACI Advanced Forum on Managed Care Disputes and Litigation, May 2011.
- “Antitrust Market and ACOs,” *CPI Antitrust Chronicle*, coauthor (with John M. Gale), May 2011.
- “Antitrust and ACOs,” webinar presentation for AHLA Antitrust Practice Group, April 2011.
- “Omnicare: The Rationality of Unilateral Actions and Proof of Antitrust Conspiracy,” *Economists Ink*, coauthor (with Kent W Mikkelsen and John M. Gale), Spring 2011.
- “What Was Left Unsaid in *Omnicare* About Harm to Competition,” *Antitrust Healthcare Chronicle*, coauthor (with John M. Gale and Kent W Mikkelsen), March 2011.
- “Health Insurance Transactions: Insights from the Front Line,” presentation sponsored by the Health Care and Pharmaceuticals Committee of the ABA Antitrust Section, November 2010.
- “The Deepwater Horizon Oil Spill and Seafood Prices,” *Environmental Law Reporter*, November 2010.
- “Implications for Healthcare Transactions of the Revised 2010 DOJ/FTC Merger Guidelines,” Member briefing for AHLA Antitrust Practice Group, September 2010.
- “Measuring the Impact of the BP Deepwater Horizon Oil Spill on Seafood Prices,” *Economists Ink*, Fall 2010.
- *Evaluating Federal and State Antitrust Reviews of Health Insurance Mergers*, editor, and co-author, published by AHLA, September 2010.
- “Predicting Post-Merger Price Effects: The Use of Hospital Merger Simulations at the FTC,” Presentation sponsored by Health Care and Pharmaceuticals Committee of the ABA Antitrust Section, June 2010.
- “Why Don’t Health Insurance Markets Work Like Other Markets? Or Do They?” Webinar presentation for AHLA Antitrust Practice Group, April 2010.



- “Innovations in Hospital Merger Simulation,” *Economists Ink*, Winter 2010.
- “Emerging Antitrust Policy and Practice in Health Care Mergers,” webinar presentation for Womble Carlyle Sandridge & Rice, December 2009.
- “An Innovative Approach to an Old Problem: Hospital Merger Simulation,” *Antitrust*, coauthor (with Richard T. Shin), Fall 2009.
- “Looking for Anticompetitive Price Effects: FTC’s Retrospective Studies of Hospital Mergers,” Member Briefing for AHLA Antitrust Practice Group, May 2009.
- “Exclusionary Conduct Part I: The Current Landscape of Provider vs. Payor Litigation,” teleconference presentation for AHLA Antitrust Practice Group, April 2009.
- “An Economic Model of Competition Between General Hospitals and Physician-owned Specialty Facilities,” *The Antitrust Bulletin*, vol. 52 Fall-Winter 2007 (also printed in *Antitrust Health Care Chronicle*, July 2006).
- “Fundamentals of Health Care Antitrust Economics,” presentation sponsored by the Economics Committee and the Health Care Committee of the ABA Antitrust Section, November 2007.
- “Hospital Competition with Physician-Owned Specialty Facilities,” presentation before ABA program on Physician Ownership of Hospitals and Other Health Facilities: Antitrust and Policy Issues, October 2007.
- “The *PeaceHealth* Standard for Bundled Predation and Recoupment,” *Economists Ink*, Fall 2007.
- “Predatory Bundling and Recoupment in the Ninth Circuit’s *PeaceHealth* Decision,” *Antitrust Health Care Chronicle*, October 2007.
- “Bundled Discounting in Contracts for Patient Care Services,” presentation before ABA/AHLA Antitrust in Health Care Conference, September 2007.
- “ASC – Hospital Competition: An Economist’s Perspective,” presentation before FASA 2006 Conference, May 2006.
- “Competition in Utah Health Care Markets,” report to the Privately Owned Health Care Organization Task Force of the Utah Legislature, May 2006.
- “FTC v. Evanston Northwestern: A Change From Traditional Hospital Merger Analysis?” *Antitrust*, coauthor (with Barry C. Harris), Spring 2006.
- “Specialty Hospital Turf Wars: An Antitrust Economics Perspective,” presentation before Pennsylvania Bar Institute Health Law Institute, March 2006.

- “Hospital-ASC Competition,” presentation before CASCA Public Policy Symposium, March 2006.
- “Issues in Market Definition in Healthcare: Specialty Hospitals,” presentation before ABA/AHLA Conference on Antitrust in Healthcare, May 2005.
- “Challenges for the FTC Hospital Merger Retrospectives,” *Economists Ink*, Spring-Summer 2003.
- “Conceptual and Practical Considerations for the FTC Retrospectives,” presentation before American Bar Association, Health Law Section, Section of Antitrust Law Conference on Antitrust in Healthcare 2003, May 2003.
- “Post-Merger Hospital Conduct: Conceptual and Practical Challenges,” presentation before FTC/DOJ Health Care and Competition Law and Policy Hearings, April 2003.
- “Issues in Litigating Hospital Mergers – Back to Basics,” presentation before FTC/DOJ Health Care and Competition Law and Policy Hearings, March 2003.
- “Economic Analysis of Healthcare Cost Studies Commissioned by Blue Cross Blue Shield Association,” coauthor (with Margaret E. Guerin-Calvert, et al.), prepared for American Hospital Association, February 2003.
- “Continued Role for Managed Care in Hospital Merger Analyses,” *Economists Ink*, Fall 2002.
- “Economic Incentives in a Hospital Privileges Context,” *Economists Ink*, coauthor (with Barry C. Harris), Winter 2001.
- “In-Network Diversion by Managed Care,” *Economists Ink*, Winter 2000.
- “Most Favored Nation Clauses,” *Economists Ink*, coauthor (with Barry C. Harris), Spring/Summer 1999.
- “Unilateral Effects and the Closeness of Substitution,” *Economists Ink*, coauthor (with Barry C. Harris), Fall 1998.
- *The Economics of a Disaster: The Exxon Valdez Oil Spill*, Quorum Books, coauthor (with Bruce M. Owen, et al.), October 1995.
- “Competition and Consolidation in Health Care,” presentation before Lancaster County Business Group on Health, April 1995.
- “Misunderstanding the Role of Competition in Controlling HealthCare Expenditures,” *Economists Ink*, coauthor (with Barry C. Harris), Fall 1993.

- “Misunderstanding the Role of Competition in Controlling Health Care Expenditures,” *Health Law Litigator*, American Bar Association, Section of Litigation, Health Law Litigation Committee, coauthor (with Barry C. Harris), Fall 1993.
- “Calculating Damages Under Oil Pollution Act,” *Economists Ink*, Winter 1991.
- *An Economic Analysis of the Effect of the Exxon Valdez Oil Spill on the Price of Alaskan Seafood*, coauthor (with Bruce M. Owen, et al.), December 1991.
- “Dividing Cartel Profits: The Southern Railway and Steamship Association,” *Essays in Economic and Business History*, Edwin J. Perkins, ed., Vol. IX, 1991.
- *Virginia’s Local Economies*, Center for Public Service, Charlottesville, Virginia. A series of 30 studies, authored or coauthored (with George E. Barnes) 10 studies. January 1990–August 1990.
- *Targeting Industries in Virginia*, Center for Public Service, Charlottesville, Virginia, coauthor (with John L. Knapp, et al.) on four separate studies, September 1989.
- *Southwest Virginia Target Industry Study*, Center for Public Service, Charlottesville, Virginia, coauthor (with John L. Knapp, et al.), December 1987.