



→ David R. Garcia

Retired - Of Counsel

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David Garcia is retired from the firm and is now Of Counsel. He was an antitrust litigator and counselor with a broad background in complex litigation and merger investigations for major U.S. companies, which includes extensive class action and multidistrict litigation experience. His practice focused principally on litigation and counseling with particular emphasis on healthcare related transactions of all sorts, the entertainment industry and the intersection between antitrust and intellectual property.

Areas of Practice

David counseled and litigated extensively in the healthcare space on joint ventures, vertical and horizontal mergers and competitor collaborations and affiliations of all sorts for a broad range of hospitals, doctor groups, health insurance carriers and private equity investors throughout the U.S. including second requests and divestiture negotiations with both the FTC and DoJ. David's antitrust litigation experience included price fixing cartel defense, patent related monopolization claims and representation of clients in connection with civil and criminal investigations by the Federal Trade Commission and the antitrust division of the U.S. Department of Justice. His broad ranging antitrust litigation background also included major matters involving standard setting, state action immunity, and contested mergers. He also counseled and litigated in a variety of distribution situations, including dealer termination, vertical pricing restrictions, franchise termination disputes, non-competition agreements and counseling and litigation involving multilevel marketing organizations.

Clients for whom he has worked include: Sisters of Charity Leavenworth Health Systems, Arcadian Medicare Advantage Insurance, Blue Shield California, Legacy Healthcare, a broad variety of physician groups and for profit and non profit hospital systems throughout the U.S., The Secure Content Storage Association LLC, The Digital Cinema Initiative, LLC, Kaiser, Lending Tree, Samsung, Epson America, China Mobile, Sprint, Carrier Airconditioning, Herbalife, Amgen, Barnes & Noble, Warner Home Video, Playboy Enterprises, Inc. and Reynolds & Reynolds, Inc.

Honors

The Los Angeles 500 - The Most Influential People in Los Angeles, *Los Angeles Business Journal*, 2016, 2017
RAVES (Recognizing AHLA Volunteer Engagement and Success) Recipient, American Health Lawyers Association, 2016
Southern California Super Lawyer, *Super Lawyers*, 2014-2015, 2017-2020

Legal 500, 2012, 2013, 2015, 2019-2023

Articles

- Eye on Privacy 2021 Year in Review
01.11.2022
- Privacy Now Looms Large In Antitrust Enforcement
Law360, 09.17.2021
- AmEx Ruling May Have Big Impact On Health Insurance
Law360, 07.17.2018
- There Is Potential Federal Inconsistency Over ACOs
Law360, 06.16.2015
- Supplier Beware of California's Equipment Dealers Act Before Deciding on Termination of Dealers
Bloomberg BNA, 12.05.2014
- Calif. On Board As Health Care Antitrust Enforcer
Law360, 09.27.2012
- No Mandatory Antitrust Review For ACOs
The Recorder, 11.10.2011
- Levels of antitrust scrutiny for ACOs
The Recorder, 04.18.2011
- Health Care Reform May Prompt Antitrust Violations
The Recorder, 02.21.2011
- Law is in Flux Over Internal Governance of Foreign Firms
Daily Journal, 03.31.2006

Antitrust Law Blog Posts

- "Department of Justice Withdraws Key Healthcare Antitrust Policy Statements," February 6, 2023
- "Sixth Circuit Questions Efficacy of State "Certificate of Need" Laws, Question Whether Reduces Competition," March 7, 2022
- "Privacy Now Looms Large in Antitrust Enforcement," September 21, 2021
- "Vertical Deals in Healthcare: Key Antitrust Takeaways for Private Equity Firms," March 5, 2021
- "DOJ Issues First Business Review Letter Approving Competitor Collaboration In Response To COVID-19," April 17, 2020
- "Eleventh Circuit Denies Blue Cross Blue Shield's Interlocutory Appeal Challenging Application of Per Se Rule In Multidistrict Litigation In Alabama," December 17, 2018
- "AmEx Ruling May Have Big Impact on Health Insurance," July 19, 2018
- "Exclusive Agreement Between Hospital and Insurance Plan Does Not Violate Section 1," June 22, 2017
- "Antitrust Not Always Available in Competitor Disputes in the Healthcare Sector," March 16, 2017
- "U.S. Department of Justice Sues North Carolina Hospital System for Insisting on Anti-Steering Provisions in Insurance Reimbursement Contracts," June 15, 2016

- "State Regulatory Scheme Offering Antitrust Immunity to Healthcare Collaborations Creates Tension Between Federal and State Antitrust Enforcement," May 20, 2015
- "Eleventh Circuit Affirms FTC Finding that Rebate Program Served to Unlawfully Maintain Monopoly Power," April 22, 2015
- "In Highly-Anticipated Decision, Ninth Circuit Affirms That Hospital-Physician Group Merger in *St. Luke's* Violated Section 7 And Casts Serious Doubt on Viability of Efficiencies Defense," February 18, 2015
- "CMS' Proposed Regulations Include Significant Antitrust Implications For Entities Interested In Forming ACOs," January 5, 2015
- "Supplier Beware Before Terminating Dealers: California's Equipment Dealers Act," November 18, 2014
- "*Dang v. San Francisco Forty Niners* - Consumers can challenge Reebok's exclusive NFL apparel deal based just on a market of garments bearing NFL team logos," August 7, 2013
- "*American Express Co. v. Italian Colors Restaurant*: A class action waiver in an arbitration agreement will be strictly enforced under the Federal Arbitration Act," June 25, 2013
- "Challenge To Alleged Restraints On Baseball And Hockey Programming Survive Motion To Dismiss And Advance To The Next Round Of Litigation," December 19, 2012
- "Supreme Court Will Now Hear Two Appeals Concerning Class Arbitration," December 14, 2012
- "Large General Acute-Care Hospital Abandons Acquisition Of 15-Bed Surgical Specialty Center As A Result Of FTC Challenge," November 26, 2012
- "Supreme Court to Address Enforceability of Arbitration Agreements and Class Action Waivers Yet Again," November 19, 2012
- "*In re American Express Merchants' Litigation* - Plaintiffs Survive Three Rounds In The Second Circuit, But Can They Survive The Supreme Court?" February 7, 2012

Healthcare Law Blog Posts

- "Healthcare Antitrust Update: Key Antitrust Takeaways for Physician Groups," June 14, 2021
- "Third Circuit Rejects State's Bid for Attorney's Fees in Hospital Merger Dispute," February 1, 2019
- "U.S. Department of Justice Settles Anti-Steering Suit Against Hospital System; First Such Settlement After Amex SCOTUS Decision," November 26, 2018
- "California Sues Sutter Health Alleging Anti-Competitive Practices," April 6, 2018
- "Has the Acquisition of Cigna Corp. by Anthem, Inc. Been Relegated to the Dustbin of History? Stay Tuned!" May 3, 2017
- "FTC Stands Down in Latest Head-to-Head Battle Between Federal and State Oversight of Healthcare Collaborations," July 8, 2016
- "FTC Suffers Setback in Campaign to Slow the Rising Tide of Healthcare Consolidations," May 16, 2016
- "State Oversight of Anticompetitive Activity in Healthcare: Is a New Wave Ahead?" April 28, 2015
- "District Court Weighs in on Level of Integration Required to Shield Health Care Collaborations from Section 1 Scrutiny," November 14, 2014
- "California AG Becomes the Latest Antitrust Enforcer to Investigate Hospital/Doctor Group Combinations," September 21, 2012

Eye On Privacy Blog Posts

- "Privacy Playing Increased Role in Antitrust Enforcement," October 5, 2021

Speaking Engagements

Presenter, "Antitrust Overview–Refresher for Hospital, Physician Group, and Payer Counsel Seeking to Engage in Strategic Ventures and Other Activities," AHLA Physicians and Hospitals Law Institute, February 5, 2018

Panelist, "Aetna-Humana: From Antitrust Investigation to Permanent Injunction, What Does it Mean for Future Healthcare M&A?" Bloomberg Intelligence, April 27, 2017

Panelist, "Expert Insights on the Increasing Consolidation of the Medical Sector: Examining the Latest Antitrust Risks for the Healthcare Industry and the Complex Insurance Coverage and Claims Issues Associated with the Integration of Hospitals and Physician Practices," ACI's Medical Liability Claims, Coverage and Risk Management Conference, October 27, 2016

Presenter, Antitrust and Provider Networks AHLA Webinar

Presenter, California Society for Healthcare Attorneys, Antitrust Update

Lecturer, 2015 Healthcare Forecast Conference, U.C. Irvine

Lecturer, LACBA Healthcare/Antitrust Program: Trends in Government Enforcement

Lecturer, ABA Class Action Section, Antitrust Panel

Lecturer, California State Bar, Antitrust Section

Events

Healthcare and Life Sciences Antitrust – The Year in Review and a Look Ahead to What You Need to Know for 2022

Webinar, 02.24.2022

Vertical Deals in Healthcare: Key Antitrust Takeaways

Webinar, 04.27.2021

Critical Antitrust Issues for Healthcare Companies During the COVID-19 Pandemic

Webinar, 04.14.2020

2016 Antitrust in Healthcare Conference

Ritz-Carlton Pentagon City, 05.12.2016

2016 CSHA Annual Meeting & Spring Seminar

Monterey Plaza Hotel & Spa, Spring 2016

Trust Us, It's Complicated
Antitrust Issues Facing Healthcare in the Affordable Care Act Environment
05.01.2014

Podcasts & Webinars

Healthcare and Life Sciences Antitrust – The Year in Review and a Look Ahead to What You Need to Know for 2022
02.24.2022

Nota Bene Episode 151: Benchmarking the Past Three Years of American Healthcare Consolidation with David Garcia
11.10.2021

Vertical Deals in Healthcare: Key Antitrust Takeaways
04.27.2021

Nota Bene Episode 86: Post-Pandemic International Competition Regulations that are Suddenly In Play with Leo Caseria, Jacques Derenne, David Garcia, and Bevin Newman
06.17.2020

Nota Bene Episode 20: The Evolving Nature of the U.S. Healthcare Industry with David Garcia
01.23.2019

Education

J.D., Georgetown University

B.A., Harvard University

Admissions

California

New York

Washington, D.C.

Florida

U.S. District Court, Northern and Central Districts of California

U.S. District Court, Southern and Eastern Districts of New York

U.S. District Court, District of Columbia

U.S. Court of Appeals, Second, Sixth, Ninth, and District of Columbia Circuits