

Thursday, October 18, 2007 - 9:23 AM CDT

Jury trial scheduled in Heartland Spine lawsuit

Kansas City Business Journal

An April 1 jury trial date has been set in a lawsuit alleging that area hospitals and insurers conspired to drive Heartland Spine & Specialty Hospital

<http://www.bizjournals.com/search/results.html?Ntk=All&Ntx=mode%20matchallpartial&Ntt=%22Heartland%20Spine%20%26%20Specialty%20Hospital%22>> out of the market.

The 30 physicians who own the Overland Park specialty hospital brought the case in April 2005. They allege that several of their acute-care hospital competitors pressured insurers to deny managed-care contracts to Heartland.

The trial date was set in an Oct. 1 order from Monti Belot, a U.S. district judge in Wichita. The order, which was sealed until Wednesday afternoon, also ruled against defendants' motions for summary judgment in the case.

"In an antitrust case, a motion for summary judgment is always a significant hurdle to overcome," said Pat Stueve, a lawyer with Stueve Siegel Hanson Woody LLP

<http://www.bizjournals.com/search/results.html?Ntk=All&Ntx=mode%20matchallpartial&Ntt=%22Stueve%20Siegel%20Hanson%20Woody%20LLP%22>> who represents Heartland in the case.

Hospital defendants in the case include HCA Midwest Health System, Saint Luke's Health System, Shawnee Mission Medical Center

http://kansascity.bizjournals.com/kansascity/gen/Shawnee_Mission_Medical_Center_CCD7E760895748F6B6A1BE4E77319C36.html> and Carondelet Health.

The court found insufficient evidence that Carondelet had participated in a horizontal conspiracy with the other hospital defendants, according to that order.

"Nevertheless, Carondelet still remains in the litigation, as the court has not ruled in connection with Carondelet's liability as to other portions of our antitrust claims, or on our tortious interference or civil conspiracy claims," Stueve said in a written summary of the order.

North Kansas City Hospital has settled out of the case, as have insurers Blue Cross and Blue Shield of Kansas City

http://kansascity.bizjournals.com/kansascity/gen/Blue_Cross_and_Blue_Shield_of_Kansas_City_886CB735D1484502BFC248EAA1E81FBBF.html> , United Healthcare Inc., Humana Health Plan Inc.

<http://www.bizjournals.com/search/results.html?Ntk=All&Ntx=mode%20matchallpartial&Ntt=%22Humana%20Health%20Plan%20Inc%22>> and Cigna Healthcare of Ohio Inc.

"I can't disclose the terms of the confidential settlements," Stueve said. "What is public knowledge is that we do have in-network contracts now with United and Blue Cross and Blue Shield."

Insurers who remain in the case are Coventry Health Care of Kansas Inc. <http://kansascity.bizjournals.com/kansascity/gen/Coventry_Health_Care_of_Kansas_Inc_0DC4BE6228DE4212BC17B0343DC65FC5.html> and Aetna Inc. <http://kansascity.bizjournals.com/kansascity/gen/Aetna_Inc_F70E6060C1394ABE86321830D2AABA75.html>

During more than two years of discovery in the case, 96 depositions were taken, and more than 3 million pages of documents were produced and reviewed.