

## Examples of Claims against Health Care Organizations

### Restraint of Trade / Conspiracy

Insured:	Hospital
Plaintiffs:	Two Physicians
Defendants:	Hospital and Department Chairman
Cause of Action:	Restraint of Trade; Conspiracy; and Tortious Interference with Contract
Facts / Allegations:	Plaintiffs contended that the defendants intentionally interfered with the plaintiffs' medical practice by allowing one department chairman to funnel all patients to his service. The Hospital maintained that it has always been the practice of the department chairman to control the scheduling of surgery for the Hospital-based and non-based physicians within the specialty. Plaintiffs maintained that such control of the operating room schedule made it difficult for plaintiffs to schedule their surgeries and to obtain use of perfusionists.
Results:	After extensive and inconclusive discovery, the parties agreed to mediation and a settlement of \$1.2 million was reached. As the Hospital had not purchased entity coverage, insurance paid only on behalf of the insured person (the department chairman), in the amount of \$600,000.