

From: James Sherlock [<mailto:sherlock>] [redacted text]]
Sent: Tuesday, March 6, 2018 12:00 PM
To: ATR-LPS-Compreg1 <ATR.LPS-Compreg1@ATR.USDOJ.GOV>
Cc: Cellini, Dando <Dando.Cellini@ATR.USDOJ.gov>
Subject: Suggestion for Agenda

The link below is a contemporaneous recap of the Supreme Court's unanimous opinion in *Federal Trade Commission v. Phoebe Putney Health System*. It dealt directly with the issue of state action doctrine in healthcare. The Court found that even a state entity - in *Phoebe* a state chartered hospital authority - could not act to establish a monopoly and hide behind state action doctrine in federal court unless the state had made it implicitly clear that it endorsed the anticompetitive outcome. This case certainly gives credence to the notion that 501(c)(3) healthcare monopolies cannot use state action doctrine as a defense for abusive business practices. I recommend this case be a centerpiece of the first roundtable. I plan to attend. Best Regards,

James C. Sherlock

Captain, United States Navy (Ret.)

Virginia Beach, Virginia

<http://www.scotusblog.com/2013/02/opinion-recap-a-warning-about-competition/>