

## **Saiber Attorneys Arnold Calmann and Jakob Halpern Help Secure Transfer of Medical Certification Antitrust Lawsuit**

June 24, 2014

Saiber LLC, along with co-counsel at Sidley Austin LLP, was recently successful in moving to transfer a significant antitrust lawsuit against the American Board of Medical Specialties, or ABMS, a non-profit organization that assists 24 approved medical specialty boards in the development and use of standards in the ongoing evaluation and certification of physicians.

Although the Plaintiff, the Association of American Physicians & Surgeons, had sued ABMS in federal court in New Jersey, ABMS argued that the state was an improper venue because ABMS does not transact business in New Jersey and the activities giving rise to Plaintiff's claims did not occur there. Rejecting Plaintiff's arguments, United States District Judge Peter G. Sheridan agreed with our positions, finding that venue was improper in New Jersey but transferring the case to the United States District Court for the Northern District of Illinois, where ABMS's offices are located.

Importantly, while doing so, Judge Sheridan retained ABMS's right to dispute whether Plaintiff's Complaint stated viable claims against ABMS, and a Motion to Dismiss premised upon that basis is currently pending in Illinois.

Along with Jack Bierig and Steven Horowitz of Sidley Austin, Saiber attorneys Arnold B. Calmann and Jakob B. Halpern were on the successful brief.