



## Williams Mullen Obtains Affirmance of Antitrust Decision in the Sixth Circuit

**12.22.2008**

WASHINGTON, DC - Williams Mullen announces that it has successfully assisted the defendants in obtaining a dismissal of plaintiff's complaint in Total Benefits Planning Agency v. Anthem Blue Cross Blue Shield, Case No. 07-4115, from the 6th Circuit Court of Appeals. In a 3-0 decision, the appellate panel affirmed a ruling by the U.S. District Court for the Southern District of Ohio that plaintiff's complaint failed to allege an actionable antitrust claim against Anthem Blue Cross and Blue Shield and several Cincinnati-area insurance brokers, who were also named as defendants in the action. James M. Burns, a partner in the Washington, DC office of Williams Mullen and Chair of the firm's Antitrust practice, argued the case before the 6th Circuit on behalf of the defendants.

The case began in 2005, with the plaintiff, Total Benefits Planning Agency, Inc., a Cincinnati-area insurance broker, claiming that Anthem had unlawfully terminated its relationship with the plaintiff and that it had conspired with several other Cincinnati-area insurance brokers to damage plaintiff's business. Total Benefits' complaint sought to have its termination by Anthem rescinded and over \$20 million in damages. In 2007, the District Court held that plaintiff's allegations failed to state a claim, and plaintiff appealed that ruling to the 6th Circuit. Oral argument on plaintiff's appeal was held on July 30 of 2008, and the 6th Circuit's decision issued on Dec. 22.

"We are very pleased that the 6th Circuit has affirmed the lower court's ruling, agreeing that the plaintiff had not stated a claim against the defendants and that the case should be dismissed," said Jim Burns.

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