

Client Alert: Department of Justice Prosecutions in Employment-Related Antitrust Suits Fall Flat in DaVita Inc. and Jindal

Publications

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Juries Acquit Criminal Antitrust Defendants of All Charges

This month, federal juries acquitted defendants facing criminal antitrust convictions in two trials against employers accused of improperly restraining trade in the labor market. On April 14, a Texas federal jury acquitted physical therapy staffing company executives Neeraj Jindal and John Rodgers of conspiracy to fix prices in violation of the Sherman Antitrust Act. The Department of Justice alleged that Jindal and Rodgers agreed with competitors to lower the rates paid to certain categories of employees in concert. One day later, a Colorado federal jury acquitted DaVita, Inc. and ex-CEO Ken Thiry of three counts of conspiracy in restraint of trade. Here, the Department of Justice alleged that DaVita and Thiry agreed with rivals not to recruit or hire each other's employees. Earlier this year, the court in *DaVita* denied defendants' motion to dismiss and found the employers were sufficiently on notice that no-poach agreements were *per se* illegal under the Sherman Act. This was a significant win for the Department of Justice and the first ruling of its kind. For both *DaVita* and *Jindal*, the Department sought to leverage the courts' decisions in other pending criminal prosecutions of no-poach agreements. Yet, the Department was unsuccessful in translating that early *DaVita* win into success at either trial.

[Read the full alert here.](#)

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