

Barak A. Bassman | Partner
Business Litigation

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Barak Bassman focuses his practice on advising healthcare providers, payors, and other industry players on issues regarding managed care contracting, billing, payment, reimbursement, risk-sharing, network development, and compliance.

Barak has significant experience negotiating and litigating payor-provider disputes (including both fee-for-service and risk-sharing arrangements), negotiating managed care contracts, counseling regarding provider contract terminations, and conducting compliance investigations.

He has also represented many clients outside of healthcare in antitrust litigation and counseling.

Outside The Firm

Barak enjoys exploring nature preserves and gardens as well as visiting art museums, and spending time with his wife and two children.

Select Engagements

Healthcare Litigation and Counseling

- Represented hospitals and physician groups in multiple breach of contract and non-par payment lawsuits against third party payors.
- Defended third-party payors in claims asserted by providers under ERISA and commercial health insurance policies.
- Counseled multiple providers in reimbursement disputes with payors, including complex disputes over administration of risk-sharing agreements.

- Counseled hospital systems, physician practice groups, ancillary providers, and behavioral health providers in the negotiation of participating provider and risk-sharing agreements with Medicare Advantage, Medicaid, and commercial payors.
- Counseled healthcare providers in contract terminations with third-party payors, including claims issues, insurance regulatory compliance concerns, and government relations and communications strategies.
- Counseled healthcare providers on patient financial assistance, charity care, and collections policies.
- Counseled third-party payors on reimbursement, mental health parity, and network management issues.
- Represented both hospitals and physicians in disputes regarding medical staff membership and credentialing.
- Successfully defended a major Central Illinois hospital system against claims of attempted monopolization.
- Represented a medical school and faculty practice plan in prosecuting claims for breach of academic support obligations against an affiliated teaching hospital.
- Represented multiple ACA CO-OP health insurance carriers in a court challenge to ACA risk adjustment regulations and risk corridors payment shortfalls.
- Represented the second largest hospital system in Pittsburgh in an antitrust and employee raiding action against its largest competitor and the region's largest health insurer for alleged illegal monopolization and conspiracy to monopolize.

Antitrust and Consumer Protection Litigation

- Represented a major national manufacturer of consumer-packaged goods against claims of horizontal price fixing.
- Secured dismissal with prejudice of a physician's antitrust challenge to loss of staff privileges.
- Defended a major healthcare data company against claims of monopolization and prosecuting counterclaims for misappropriation of trade secrets and unfair competition.
- Successfully defended a major Central Illinois hospital system against claims of attempted monopolization.
- Represented a major truck manufacturer in putative class actions regarding alleged price fixing in the U.S. heavy duty transmission market.
- Defended a major international glass manufacturer in multiple putative class actions regarding alleged price fixing in the U.S. glass industry.
- Secured defense verdicts for a major truck manufacturer against Sherman Act, Robinson-Patman Act, and state dealer law claims brought by a dealer in two multi-week jury trials. Further secured a \$1.6 million judgment on a counterclaim for misappropriation of trade secrets and prevailed in a related dealer termination litigation following a two-week bench trial.
- Secured summary judgment for a major truck manufacturer on antitrust claims brought by an independent truck dealer for alleged conspiracies

between manufacturer, dealers, and truck body suppliers.

- Represented the second-largest hospital system in Pittsburgh in an antitrust action against its largest competitor and the region's dominant health insurer for alleged illegal monopolization and conspiracy to monopolize.
- Defended a major mushroom grower in a putative class action challenging alleged agreements to fix the prices and restrict the supply of fresh mushrooms in the United States.
- Won dismissal of a terminated dealer's claims of alleged resale price maintenance against a major appliance manufacturer.
- Represented a major truck manufacturer in an antitrust suit against a transmission supplier for alleged illegal monopolization.
- Defended a reinsurance company in an action brought by the Attorney General of Connecticut alleging a conspiracy to fix prices and allocate markets in the business of providing reinsurance for property and casualty insurance companies.
- Represented a major pharmaceutical manufacturer against RICO and Robinson-Patman claims brought by the Republic of Iraq based upon the UN Oil for Food program.
- Obtained dismissal of monopolization claims brought against a client.
- Defeated class certification in an action challenging a client's gift card fees under a state consumer protection law.
- Defeated class certification in an Equal Credit Opportunity Act action alleging racial discrimination in automobile financing rates.

Admissions

- Pennsylvania
- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- U.S. District Court - Central District of Illinois
- U.S. District Court - Eastern District of Pennsylvania
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Sixth Circuit

Memberships

- American Bar Association
- American Health Lawyers Association

Education

- New York University School of Law, JD
- Grinnell College, BA

Recognitions

2022, "Outstanding Session Award," listed by The Society of Actuaries

Professional Activities

Barak is a member of the American Health Lawyers Association. He is also a member of the Board of Trustees of the Delaware Art Museum.