



# Department of Justice

FOR IMMEDIATE RELEASE  
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AT  
202-514-2007  
(TDD) 202-514-1888

## JUSTICE DEPARTMENT FILES COMPLAINT AGAINST 22 OB/GYNs

WASHINGTON, D.C. -- The Department of Justice today filed a complaint in federal court charging 22 Savannah, Georgia, obstetricians/gynecologists (OB/GYNs) with agreeing to exchange fee information in violation of Section 1 of the Sherman Act. At the same time, the parties filed a consent decree that would settle the suit.

The complaint was filed in U.S. District Court in Savannah against Carson B. Burgstiner; Gregory K. Whitaker; A. Joseph Edwards Jr.; Jules Toraya; Louis P. Leopold; Speir N. Ramsey; James D. Smith; David M. Thomas; Edward D. Biggerstaff III; John H. Angell; Darnell L. Brawner; David W. Fillingim; Stephen Y.S. Cheng; Amos Timna; M.M. Schneider; Lawrence S. Bodziner; William G. Sutlive; R.W. Scarbrough Jr.; John L. Dekle; Lawrence Odom; Donna Moyers; and Gregg Parker.

James F. Rill, Assistant Attorney General in charge of the Antitrust Division, said that when antitrust violations occur in the medical profession they will be prosecuted as vigorously as the Division prosecutes antitrust violations in other areas of commerce.

"Health care consumers are entitled to the full benefits of free competition," said Rill.

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The alleged conspiracy to exchange fee information grew out of a series of meetings held by the doctors in 1986 and 1987. The complaint alleges that the conspiracy resulted in higher fees to OB/GYN patients. Specifically, in July 1986, the physicians increased their fees for normal deliveries and cesarean sections approximately \$500 for each type of delivery.

The proposed consent decree prohibits the physicians from exchanging any information concerning current or future medical fees or the consideration or contemplation of a change in medical fees with other OB/GYNs. They also are prohibited from agreeing to fix, raise or maintain medical fees.

The consent decree further requires each physician to file an annual declaration with the government and the court certifying compliance with the terms of the consent decree. The physicians are required to file their declarations throughout the 10-year term of the decree. If the consent decree is approved by the court after a required 60-day comment period, it would terminate the suit.

The matter is being handled by attorneys of the Professions and Intellectual Property Section of the Antitrust Division, Washington, D.C. The Federal Trade Commission initially referred the matter to the Department of Justice.

Public comment on the proposed decree is invited within the statutory 60-day commentary period. Interested persons may

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address comments to Robert E. Bloch, Chief, Professions and  
Intellectual Property Section, Antitrust Division, U.S.  
Department of Justice, 555 4th Street, N.W., Room 9903,  
Washington, D.C. 20001 (202/307-0467).

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