

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LISA TORREY, et al.,

Plaintiffs,

v.

INFECTIOUS DISEASES SOCIETY OF
AMERICA, et al.,

Defendants.

Civil Action No. 5:17-cv-00190-RWS

DEFENDANTS' NOTICE OF HEARING SLIDES

Defendants Infectious Diseases Society of America (“IDSA”); and Dr. Gary P. Wormser, Dr. Raymond J. Dattwyler, Dr. Eugene Shapiro, Dr. John J. Halperin, Dr. Leonard Sigal, and Dr. Allen Steere (collectively, the “Doctors”) submit this Notice and attach as Exhibit 1 the slides used during the video hearing held on April 23, 2021.

CONCLUSION

Dated: April 27, 2021

Respectfully submitted,

PILLSBURY WINTHROP SHAW
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RAYMOND J. DATTWYLER, DR.
EUGENE SHAPIRO, DR. JOHN J.
HALPERIN, DR. LEONARD SIGAL, AND
DR. ALLEN STEERE***

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2021, the foregoing Notice was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ R. Casey Low

R. Casey Low

Exhibit 1

Torrey, et al. v. IDSA, et al.

No. 5:17-cv-00190-RWS

Hearing on Defendants' Motions (April 23, 2021)

- Summary Judgment
- Dismiss & Strike
- Stay
- Rule 11 Sanctions

Defendants' Slides

The Pillsbury logo, featuring the word "pillsbury" in a lowercase, sans-serif font. The letters are a reddish-brown color. The logo is positioned on a white rectangular background that is slightly offset to the right and bottom of the slide.

Motion for Summary Judgment Antitrust Claims vs IDSA

Plaintiffs Have No Admissible Evidence:

1. Conspiracy/Agreement
2. Statute of Limitations
3. Relevant Antitrust Market
4. Anticompetitive Effect: Unreasonable Restraint or Predatory Conduct
5. Market Power or Monopoly Power
6. Business or Property Injury

Motion to Dismiss or Strike Misrepresentation Claims

1. Court should strike the latest Amended Complaint as prejudicial and late

Plaintiffs fail to plead:

2. Detailed allegations with particularity under Rule 9(b)

3. Detrimental reliance by Plaintiffs

4. Choice of law

5. Allegedly false statements in the Guidelines

6. Statements of fact, rather than medical opinions

7. Judicial estoppel precludes new personal injury claims

Rule 11 Sanctions

- Plaintiffs knowingly re-filed factual contentions without evidentiary support
- “Information and belief” improper after full discovery
- 2nd Amended Complaint does not allege a single new fact