

NEWS RELEASES

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MATTHEW D. KNEPPER

ST. LOUIS:

314.480.1848

MATT.KNEPPER@

HUSCHBLACKWELL.COM

CHRISTOPHER A. SMITH

ST. LOUIS:

314.480.1836

CHRIS.SMITH@

HUSCHBLACKWELL.COM

Husch Blackwell Receives Summary Judgment for Medco Health Solutions in Class Action

Telephone Consumer Protection Act Claims Made, Dismissed

Husch Blackwell received summary judgment from Chief Magistrate Judge Terry I. Adelman, U.S. District Court, Eastern District of Missouri, regarding an alleged violation of the Telephone Consumer Protection Act by its client. In *Suzy Elkins et al v. Medco Health Solutions, Inc.*, the plaintiff sought broad discovery, purporting to implicate phone calls concerning Medco's pharmacy benefit management services, and threatening class damages under the Telephone Consumer Protection Act.

Husch Blackwell transferred the case from the Northern District of Illinois to the Eastern District of Missouri, and then moved for early summary judgment on a key question.

The early summary judgment decision rested upon the threshold question of "consent:" when the plaintiff enrolled in her healthcare plan, she consented to calls from her pharmacy benefits manager. Husch Blackwell ultimately faced four law firms that attempted to broaden discovery into Medco's operations.

Judge Adelman granted summary judgment on all counts, with very limited discovery, and without any depositions.

Husch Blackwell team members included Christopher Smith and Matt Knepper.

Husch Blackwell's Healthcare, Life Sciences & Pharmaceuticals attorneys have extensive experience representing clients in all types of litigation, regulatory enforcement actions and investigations covering all facets of the industry. The firm has developed a national reputation for representing leading hospitals

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and health systems, academic medical centers, post-acute centers, physicians and other healthcare providers. Its attorneys counsel life sciences investors and research facilities at every phase of their development and implementation cycles. In addition, they advise pharmacies, prescription drug benefit managers, drug manufacturers and other stakeholders in the supply chain to help navigate regulatory obstacles.