



# Donald R. Schmidt

SHAREHOLDER

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## Overview

Don Schmidt practices in the areas of health care, major business litigation, and antitrust law. He has handled a variety of litigation and antitrust counseling matters for national and regional companies in, among others, the insurance, pharmacy, paper, health care, oil, advertising, financial services, manufacturing, franchising, distribution, and retail industries.

Don also has significant experience with both civil and criminal investigations by state and national enforcement agencies.

## Experience

- Health Care – general hospital representation, particularly with regard to physician peer review proceedings and litigation and related medical staff matters.
- Major Business Litigation – prosecution and defense of breach of contract, insurance coverage, RICO, commercial fraud, unfair trade practices, and similar business disputes, including class actions.
- Antitrust and Trade Regulation – extensive antitrust counseling and training; prosecution and defense of private treble damage litigation, including defense of clients in class actions; defense of civil and criminal governmental enforcement investigations.

- Hospital Peer Review Hearings – represented respective medical executive committees in peer review hearings at several hospitals, obtaining decisions to uphold adverse recommendations against physicians.
- Hospital Peer Review Board of Trustees Representation – represented respective hospital boards of trustees in peer review appeal proceedings and in making final decisions in peer review matters.
- *Ramiro Abaunza, M.D. v. Kendall Healthcare Grp., Ltd.* Circuit Court, 11th Judicial Circuit, Miami-Dade County.
- *Arthur M. “Mac” Cowden, II, D.O. v. S. Dade Healthcare Grp., Ltd. f/d/b/a Deering Hospital.* U.S. District Court for the Southern District of Florida.
- *Charles E. Graper, M.D., D.D.S. v. N. Fla. Reg’l Med. Ctr., Inc.* Circuit Court, 8th Judicial Circuit, Alachua County.
- *Anthony J. Hall, M.D. v. Miami Beach Healthcare Grp., Ltd. & Columbia Hosp. Corp. of Miami Beach.* U.S. District Court for the Southern District of Florida.
- *Integon Gen. Ins. Corp. v. Daniel Morrison & Okeechobee Hosp., Inc. d/b/a Columbia Raulerson Hospital.* County Court, 19th Judicial Circuit, Okeechobee County.
- *Emmanuel Johnson, M.D. v. Mem’l Healthcare Grp., Inc. d/b/a Memorial Hospital Jacksonville.* Circuit Court, 4th Judicial Circuit, Duval County.
- *Lawrence J. Kanter, M.D. v. HCA of Fla., Inc., d/b/a Memorial Hospital of Jacksonville.* Circuit Court, 4th Judicial Circuit, Duval County.
- *Marcene F. Kreifels, M.D. v. Healthtrust, Inc.-Hospital Co. d/b/a the North Okaloosa Medical Center.* U.S. District Court for the Northern District of Florida.
- *J. Lancelot Lester, III, M.D. v. Columbia/JFK Med. Ctr. Ltd.,* Circuit Court, 15th Judicial Circuit, Palm Beach County.
- *Anthony Lewis, M.D. & Nagender Reddy, M.D. v. Marion Cmty. Hosp., Inc.* Circuit Court, 5th Judicial Circuit, Marion County.
- *Dilip Mehta, M.D. v. HCA Health Servs. of Fla., Inc. d/b/a Oak Hill Hospital.* U.S. District Court for the Middle District of Florida.
- *Dilip Mehta, M.D. d/b/a Spring Hill Radiology v. HCA Health Servs. of Fla., Inc. d/b/a HCA Oak Hill Hospital.* U.S. District Court for the Middle District of Florida.
- *Metro. Cas. Ins. Co., individually and for the use and benefit of Catherine Harris v. Columbia Park Med. Ctr., Inc. a/k/a Lucerne Medical Center.* County Court, 9th Judicial Circuit, Orange County.
- *Metro. Life Auto. & Home Ins. Co. v HCA Health Servs. of Fla., Inc. d/b/a Blake Medical Center.* Circuit Court, 12th Judicial Circuit, Manatee County.
- *Metro. Life Auto. & Home Ins. Co. v. Ocala Reg’l Med. Ctr.* Circuit Court, 5th Judicial Circuit, Marion County.
- *Metro. Life Auto. & Home Ins. Co. v. St. Petersburg Gen. Hosp.* Circuit Court, 6th Judicial Circuit, Pinellas County.

- *Metro. Life Cas. Ins. Co., individually and for the use and benefit of Clara McLendon v. Orange Park Med. Ctr., Inc.* County Court, 4th Judicial Circuit, Clay County.
- *Metro. Life Cas. Ins. Co., individually and for the use and benefit of Eric Collette v Osceola Reg'l Hosp., Inc.* County Court, 9th Judicial Circuit, Osceola County.
- *Mount Sinai Med. Ctr. of Fla., Inc. v. HCA-Healthcare Co. f/k/a Columbia/HCA Healthcare Corp.* Circuit Court, 11th Judicial Circuit, Miami-Dade County.
- *N. Fla. Reg'l Med. Ctr. v. Gary L. Lowery, M.D.* Circuit Court, 8th Judicial Circuit, Alachua County.
- *Paul J. Schilling v. HCA Health Servs. of Fla., Inc. & N. Fla. Reg'l Med. Ctr., Inc.* Circuit Court, 8th Judicial Circuit, Alachua County.
- *Thyssen Elevator Co. d/b/a Thyssen Miami Elevator v. Sun City Hosp., Inc. d/b/a South Bay Hospital.* American Arbitration Association.
- *Randy T. Warner, M.D. v. Columbia /JFK Med. Ctr., LLP d/b/a JFK Medical Center.* U.S. District Court for the Southern District of Florida.
- *Layne Yonehiro, M.D., Fernando E. Kafie, M.D. & Se. Vascular Ins. v. W. Fla. Reg'l Med. Ctr.* Circuit Court, 1st Judicial Circuit, Escambia County.
- *W. Brent Young, M.D. v. HCA Health Servs. of Fla. d/b/a Columbia Regional Medical Center Oak Hill Hospital.* Circuit Court, 5th Judicial Circuit, Hernando County.

## Areas of Focus

### Practices

- Health Care
- Litigation and Trials
- Corporate Law and Governance
- Antitrust and Trade Regulation
- Class Actions

### Industries

- Health Care

## Insights

03.01.2001

Antitrust Issues in Health Care Industry Mergers

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12.01.2000

Evolving Market Concepts: Product Market

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11.01.2000

Application of Joint Venture Analysis to the Health Care Industry

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01.05.1995

Antitrust Law

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03.03.1993

Antitrust Health Care Handbook II

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04.30.1992

Antitrust Health Care Chronicle

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01.31.1992

Hospital Antitrust Compliance Programs

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06.15.1988

Antitrust Health Care Handbook

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## News

08.15.2017

78 Carlton Fields Attorneys Named “Best Lawyers in America”

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## Recognition

- AV Rated by Martindale-Hubbell
- *The Best Lawyers in America*, Antitrust Law, Commercial Litigation (2015–2024)
- *Chambers USA* (2006–2011, 2013–2016)
- Florida Super Lawyers, *Super Lawyers Magazine* (2007–2012)

## Professional & Community Involvement

- American Bar Association
  - Antitrust Law Section
  - Past Vice Chair, Health Care Industry Committee
  - Health Law Section
- Federal Bar Association
- The Florida Bar
- Hillsborough County Bar Association
- Leadership Pinellas County Program
- Ferguson-White American Inn of Court

## Speaking Engagements

Don has spoken at local, state, and national seminars on various aspects of antitrust law, including:

- Litigation strategies in medical staff privileges litigation
- Defining relevant markets
- Antitrust compliance programs
- Price discrimination
- Managed care
- Alternative delivery systems for medical care
- Joint ventures
- Tying arrangements

## Credentials

### Education

- University of Notre Dame Law School (J.D., cum laude)
  - Editor, *Notre Dame Law Review*
- University of Notre Dame (B.A., cum laude)

### Bar Admissions

- Florida

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Eastern District of Virginia

## Background

- Lieutenant, U.S. Navy