

Rare Health Care Noncompete Case Settles for \$3.3M

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Settlement Validates Carlton Fields' Client Surgery Partners' Commitment to Protecting Its Patients and Employees From Competitors Tampa, Fla. - In one of the largest noncompetition case settlements or verdicts known in the health care industry, Surgery Partners and its Tampa-based affiliates, Tampa Pain Relief Center and Armenia Ambulatory Surgery Center, obtained a \$3.3 million settlement from one of its largest competitors, Physician Partners of America (PPOA), along with its founder, Dr. Rodolfo Gari, and an affiliated medical practice, to end a lawsuit for damages resulting from their alleged poaching of Surgery Partners' physicians and other personnel. The settlement was obtained less than two weeks before a resumed injunction hearing before Circuit Judge Darren D. Farfante of Hillsborough County's Complex Business Litigation Court. That hearing was scheduled after Florida's Second District Court of Appeal held that Surgery Partners and its affiliates had proven, among other things, that their former physicians, Dr. Robert Guirguis, Dr. Hector Cases, and Dr. John Kevyn Otero, violated their noncompetition and nonsolicitation covenants by going to work for Dr. Gari and PPOA, and treating Surgery Partners' patients at PPOA facilities. "The settlement validates Surgery Partners' commitment to protecting its patients and employees from competitors, and will facilitate the company's continued delivery of high quality care by its excellent physicians and other medical providers," said Alan Rosenthal, lead counsel for Surgery Partners. Surgery Partners and its affiliates were represented by Carlton Fields attorneys Alan Rosenthal, Natalie J. Carlos and Charles W. Throckmorton in Miami.

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