

**CASE SUMMARY:**

**PROCEDURAL POSTURE:** Defendants moved the court to dismiss plaintiff's complaint, which alleged violations of 42 U.S.C.S. §§ 1983, 1985, and 1986, and 15 U.S.C.S. §§ 1 and 2.

**OVERVIEW:** Plaintiff was denied membership on the medical staff, a privilege granted to most licensed physicians. He sued defendants, alleging that they had willfully and maliciously acted to prevent him from practicing podiatry in certain public and private hospitals by withholding that privilege. Specifically, he alleged that defendants' actions had deprived him of his civil rights in violation of 42 U.S.C.S. §§ 1983, 1985, and 1986; he also argued that their behavior violated 15 U.S.C.S. §§ 1 and 2 as a conspiracy in restraint of trade. Defendants moved the court for dismissal. Noting that pro se pleadings mandated a more lenient standard, the court held that dismissal of plaintiff's antitrust claims would have been premature. Accordingly, the court determined that it would determine the substance of plaintiff's antitrust allegations after he had been afforded an opportunity to conduct limited discovery into the issues, and to reply to the objections then raised by defendants. Finding no federal right to membership on a hospital staff, the court granted defendants' motion with respect to the civil rights allegations.

**OUTCOME:** The court concluded that plaintiff had no cognizable claim that his civil rights had been violated, but refused to dismiss his complaint as to his antitrust claim. Defendants' motion was thus granted in part and denied in part.

**CORE TERMS:** interstate commerce, SHERMAN ACT, podiatrist, conspiracy, staff, administrators, orthopedic, jurisdictional, patients, doctors, medical staff, private hospitals, membership, podiatry, cause of action, civil rights, federal right, deprived, training, state law, pro se, involvement, class-based, profession, interstate, antitrust, invidious, licensed, nexus, color

**LexisNexis(R) Headnotes*****Civil Procedure > Pleading & Practice > Defenses, Demurrers & Objections > Motions to Dismiss***

[HN1] When determining a motion to dismiss, courts are obliged to construe all of the material allegations contained in the complaint in the light most favorable to the plaintiff with those allegations accepted as true.

***Civil Procedure > Pleading & Practice > Defenses, Demurrers & Objections > Motions to Dismiss***

[HN2] Dismissal of an action on a bare-bones pleading should always be carefully and deliberately considered since it is a precarious option with a high mortality rate.

***Civil Procedure > Parties > Self-Representation > Pleading Standards***

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