

509 F. Supp. 815, *, 1981 U.S. Dist. LEXIS 11119, **;
1981-2 Trade Cas. (CCH) P64,165

[HN3] Pro se pleadings are to be held to a less stringent standard than those drafted by an attorney.

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

Civil Procedure > Pleading & Practice > Pleadings > Complaints > Requirements

[HN4] Fed. R. Civ. P. 8(a) enunciates the general standard that a pleading must meet in order to withstand a motion to dismiss. The pleader is entitled to considerable latitude regarding the mode of stating his claim for relief, provided the pleading gives reasonable notice of the claim or claims asserted.

Constitutional Law > Congressional Duties & Powers > Commerce Clause > Interstate Commerce > General Overview

Healthcare Law > Antitrust Actions > Facilities

Transportation Law > Interstate Commerce > Federal Powers

[HN5] The general scope of the Sherman Act ("Act"), 15 U.S.C.S. § 1, et seq., encompasses the entire regulatory power granted congress under the commerce clause. Although the Act includes more than simply a restraint on trade motivated by a desire to limit interstate commerce, federal enforcement must turn initially on whether or not the acts alleged in the complaint could likely have a substantial and adverse effect upon interstate commerce.

Antitrust & Trade Law > Sherman Act > Jurisdiction

[HN6] Even a wholly intrastate activity may be regulated by the Sherman Act, 15 U.S.C.S. § 1 et seq., where that activity would place an unreasonable burden on the free and uninterrupted flow of interstate commerce.

Civil Rights Law > Section 1983 Actions > Scope

[HN7] In order to sustain a 42 U.S.C.S. § 1983 claim, plaintiff must allege: that the defendants deprived him of some right secured by the United States Constitution or laws of the United States and that the defendants acted under color of state law.

Civil Rights Law > Section 1983 Actions > Elements > Protected Parties

Civil Rights Law > Section 1983 Actions > Scope

[HN8] Both elements of a 42 U.S.C.S. § 1983 action must be alleged and proven before relief can be forthcoming.

Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > General Overview

Healthcare Law > Actions Against Healthcare Workers > General Overview

[HN9] Private entities are subject to the civil rights laws only if their activities are significantly affected with state involvement.

Civil Rights Law > Section 1983 Actions > Scope

[HN10] A private hospital is subject to the provisions of 42 U.S.C.S. § 1983 and U.S. Const. amend. XIV only if its activities are significantly affected with state involvement.

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