

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-4221

STEVEN H. UNTRACHT, M.D., PH.D., F.A.C.S.

v.

M.D. ERDEN FIKRI; M.D. DINESH MATHUR; M.D. VINCENT FIORICA;
M.D. TERRY WAHL; DAVID R. DAVIS; M.D. SANDERS ERGAS;
M.D. P. JAMES RIDELLA; M.D. BHASKARAN MURALI; WILL H. FARTHING,
M.D.; BRIAN GUNNLAUGSON, M.D.; RICHARD CARTWRIGHT, M.D.;
DENISE WEISBRODT, R.N.; RICHARD SALUZZO, M.D.; JACOB KOLFF, M.D.;
BRUCE DUKE, M.D.; NARENDRA PAI, M.D.; WILLIAM FRITZ, M.D.;
PAUL WEYGANDT, M.D.; NICHOLAS JACOBS; JAMES CHURCH, M.D.;
ROBERT D. FRY, M.D.; LARRY KAISER, M.D.; WILLIAM M. CARNEY, M.D.;
HARVEY SLATER, M.D.; GEORGE H. BENZ, JR., M.D.; UNIVERSITY OF
PENNSYLVANIA; CLEVELAND CLINIC FOUNDATION; STEWART M. FLAM; R.
JOSEPH FEDEROWICZ; DICKIE MCCAMEY & CHILCOTE, a Professional
Corporation; ASSOCIATED ANESTHESIOLOGISTS OF JOHNSTOWN; UPMC
HEALTH SYSTEM, INC.; UPMC LEE REGIONAL HOSPITAL; CONEMAUGH
HEALTH SYSTEM; MEMORIAL MEDICAL CENTER; WINDBER MEDICAL
CENTER; JOHN DOES 1-20; LEE REGIONAL HEALTH SYSTEM, INC.; LEE
REGIONAL HEALTH SYSTEM FOUNDATION, INC.

Steven H. Untracht,

Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D. C. No. 03-cv-00199J)
District Judge: Hon. Kim R. Gibson

Argued on September 26, 2007

Before: AMBRO, JORDAN and ROTH, Circuit Judges

(Opinion filed: October 1, 2007)

Russell J. Heiple, Esq. (Argued)
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Lee Regional Health System Foundation, Inc.; UPMC Lee Regional Hospital;
UPMC Health System, Inc.; Dickie, McCamey & Chilcote;
R. Joseph Federowicz; Stewart M. Flam; George H. Benz, Jr.; Harvey Slater;
William M. Carney; Denise Weisbrodt; Richard Cartwright; Brian Gunnlaugson;
Will H. Farthing; Bhaskaran Murali; P. James Ridella; Sanders Ergas;
David R. Davis; Terry Wahl; Vincent Fiorica; Dinesh Mathur; Erden Fikri

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Counsel for Amicus-Appellant Association of American Physicians

& Surgeons, Inc.

OPINION

ROTH, Circuit Judge:

Dr. Steven H. Untracht brought an action in U.S. District Court against 29 physicians, health care professionals, medical groups, health systems, and medical facilities, claiming violation of his civil rights under 42 U.S.C. §§ 1981 and 1983, federal antitrust violations, defamation, and other state law causes of action, including intentional infliction of emotional distress, tortious interference with existing and prospective contractual relations, civil conspiracy, breach of contract, and more. After numerous proceedings, including a transfer of venue from the Eastern District to the Western District of Pennsylvania, the District Court entered summary judgment for all defendants on Dr. Untracht's Sherman Act Section 1 claim, Sherman Act Section 2 claim, 42 U.S.C. § 1983 claim, and 42 U.S.C. § 1981 claim for retaliation. The court dismissed with prejudice Dr. Untracht's 42 U.S.C. §§ 11112 claim and his 1981 reverse discrimination claim and dismissed his remaining claims over which the court had supplemental jurisdiction. The District Court denied Dr. Untracht's Cross Motion for Summary Judgment, Injunctive Relief and for the Court's assumption of Supplemental Jurisdiction. Dr. Untracht appealed.

The District Court had jurisdiction of this case under 28 U.S.C. §§ 1331 and 1367. We have jurisdiction of this appeal under 28 U.S.C. § 1981. We have carefully considered

the very thorough, 69 page memorandum opinion of the District Court, the appellate briefs of the parties, and the oral argument before this Court. For the reasons stated by the District Court, we will affirm its August 26, 2006, judgment in favor of the defendants.