Robin P. Sumner

Partner

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Robin guides health sciences clients through complex litigation, appeals, and government investigations. Drawing on significant trial and settlement experience, she provides strategic, outcome-focused counsel to help resolve antitrust, consumer fraud, and regulatory matters.

OVERVIEW

Robin is a first chair trial attorney for corporate clients navigating high-stakes claims in areas such as antitrust and competition law, the False Claims Act, consumer fraud, and other complex civil litigation. She has tried antitrust cases to verdict — a rare skillset that shapes her forward-thinking approach to resolving challenging disputes. Robin's practice centers on clients in pharmaceutical and health care sectors, where she has built a strong track record of success in class actions and MDLs in state and federal court.

Robin has played a pivotal role in a wide range of complex litigation and regulatory matters. She represents both brand and generic drug manufacturers in high-stakes antitrust and consumer fraud class actions, including cases involving alleged reverse payment settlements, price-fixing conspiracies, and product contamination claims. Robin's work has led to significant outcomes, such as dismissals at the pleadings stage, favorable settlements, and the denial of class certification. Robin has also successfully defended clients in multidistrict litigation and appeals, including securing a complete defense verdict in a major antitrust jury trial and winning summary judgment in federal court.

Beyond litigation, Robin advises clients on antitrust and competition issues related to health care delivery, compliance with fraud and abuse laws, and regulatory investigations by agencies such as the DOJ and FTC. Her experience encompasses counseling on competitor collaborations, sales and marketing practices, and due diligence for compliance matters, reflecting her broad and impactful contributions to her clients' overall legal strategies.

REPRESENTATIVE MATTERS

Antitrust and Consumer Fraud Litigation

- *In re Lamictal Direct Purchaser Antitrust Litigation* (D. N.J.). Represents a research-based pharmaceutical manufacturer in a putative antitrust class action alleging an unlawful "reverse payment" settlement of patent litigation. Obtained dismissal of a majority of indirect purchaser class claims, resulting in a favorable early settlement, and defeated certification of the direct purchaser class. Multiple individual cases filed by direct

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purchasers after class certification was denied, are proceeding via joinder. Summary judgment is expected in 2026.

- *UFCW Local 1500 Welfare Fund et al. v. Takeda Pharmaceuticals U.S.A., Inc. et al.* (S.D.N.Y.). Represents a generic pharmaceutical manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to colchicine.
- *In re Xyrem (Sodium Oxybate) Antitrust Litigation* (N.D. Cal.). Represented a generic pharmaceutical manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to sodium oxybate, and an overarching conspiracy to delay generic competition. The case settled successfully after discovery on terms favorable to the client.
- *Value Drug Co. v. Teva Pharmaceutical Industries Ltd. et al.* (D. Mass.). Represented a generic pharmaceutical manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to QVAR. Obtained dismissal at the pleadings stage.
- *Louisiana Health Services & Indemnity Co. v. Celgene* (S.D.N.Y.). Represented a generic pharmaceutical manufacturer in a putative class action alleging an unlawful reverse payment settlement of patent litigation related to pomalidomide. Obtained dismissal at the pleadings stage.
- *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (MDL). Represents multiple drug manufacturers in putative class actions alleging violations of federal and state antitrust statutes and consumer protection laws relating to alleged conspiracies to fix prices and allocate markets for generic drugs.
- *In re Relafen Antitrust Litigation* (D. Mass.). Represented a *Fortune* 100 research-based pharmaceutical company in a monopolization and attempted monopolization case based on allegations of sham patent litigation and unlawful intellectual property strategies.
- *In re Metformin Marketing and Sales Practices Litigation* (D.N.J.). Represents a pharmaceutical company in consolidated class action litigation seeking damages for alleged economic loss relating to NDMA (nitrosamine) contamination of generic metformin.
- *In re Avandia Mktg., Sales Practices & Prods. Liab. Litig. (E.D. Pa. MDL 1871).* Represents a brand pharmaceutical company in a class action brought by third party payors alleging that they overpaid for Avandia as a result of fraudulent marketing. The case is scheduled for trial in November 2025.
- *Leonard v. CVS Pharmacy, et al.* (N.D. Cal.) & *Birdsong v. Walgreens Inc.* (N.D. Ill.). Represents a generic pharmaceutical manufacturer and retail pharmacies in putative class action litigation seeking recovery for claimed economic loss relating to alleged benzene contamination of generic store-brand guaifenesin products. Obtained dismissal of the Illinois case at the pleadings stage.
- *Boyer v. Breckenridge Pharmaceutical, Inc.* (D.N.J.). Represents a generic pharmaceutical manufacturer in putative class action litigation seeking recovery for claimed economic loss relating to alleged nitrosamine contamination in duloxetine. Obtained preliminary approval of an early settlement.
- *Int'l Constr. Prods. v. Ring Power Corp., et al.*, No. 22-10231, 2023 WL 7127515 (11th Cir. Oct. 30, 2023). Won appeal in the Eleventh Circuit in 2023 after obtaining full summary judgment in December 2021 on all federal antitrust claims and related state law claims, which alleged a conspiracy among manufacturers and dealers of earth moving equipment to eliminate a competing supplier.
- *In re Processed Egg Products Antitrust Litigation* (MDL No. 2002). Obtained a complete defense verdict following a six-week jury trial in a case alleging that two agricultural cooperatives participated in an industry-wide supply restriction conspiracy to fix the prices of eggs and egg products sold in the United States. The team also successfully argued the dismissal of a trade association, an additional named defendant, early in the litigation. The defendants previously defeated the Indirect Purchaser Plaintiffs' damages class, and our team favorably settled the Direct Purchaser Plaintiffs' claims.
- *Adrienne Fraser et al. v. Cal-Maine Foods, Inc. et al.* (N.D. Cal.) & *Bell et al. v. Cal-Maine Foods et al.* (W.D. Tex.). Defended two large egg producers named as defendants in a putative class actions alleging that consumers paid prices for eggs that violated California's and Texas's anti-price gouging statutes. Obtained dismissals at the pleadings stage.
- Co-pay assistance litigation. Represented and advised a major pharmaceutical manufacturer in connection with national litigation alleging antitrust and RICO claims arising out of patient co-pay assistance programs.
- *Steven Meller, M.D. v. Abington Memorial Hospital* (Mont. Ct. Com. Pl.). Represented a hospital, medical staff and individual physicians in a case alleging competitive injury as a result of failure to grant medical staff

privileges.

- *State of South Carolina ex rel. Henry McMaster v. Eli Lilly & Co.* (S.C. Ct. Com. Pl.). Represented a brand pharmaceutical manufacturer in a case alleging Medicaid fraud through the submission of false claims, violations of the state unfair trade practices act and other common law fraud and unjust enrichment claims.
- *Zoom Imaging, L.P. v. St. Luke's Hospital & Health Network* (E.D. Pa.). Represented a hospital, physician practice and two individual physicians in an action alleging a conspiracy to boycott a competing radiology service provider.

False Claims Act Litigation

- *United States ex rel. Polansky v. Executive Health Resources Inc.* (E.D. Pa.). Represented a physician advisor company that provides medical necessity compliance solutions to hospital and health systems in qui tam litigation alleging False Claims Act violations arising out of claims for inpatient hospital admissions. Obtained dismissal of multiple entities at the pleadings stage.
- *United States ex rel. Karff v. Albert Einstein Healthcare Network (E.D. Pa.).* Represented a hospital system in qui tam litigation alleging False Claims Act violations arising out of miscoding. Obtained dismissal at the pleadings stage.
- *United States ex rel. Spay v. CVS Caremark Corp.* (E.D. Pa.). Represented a pharmacy benefit manager (PBM) in qui tam litigation alleging multiple False Claims Act violations arising out of claims submitted under the Medicare Part D Program.
- *United States ex rel. King v. Alcon Laboratories, Inc.* (N.D. Tex.). Represented a *Fortune* 100 research-based pharmaceutical company in a case alleging False Claims Act violations, conspiracy and unjust enrichment based on alleged failure to comply with the FDA's regulations covering Current Good Manufacturing Processes.

Representation Before Government Agencies

- Represents an egg producer in connection with a DOJ antitrust investigation.
- Represents a pharmaceutical manufacturer in connection with an FTC antitrust investigation.
- Represents pharmaceutical manufacturers in connection with FTC antitrust review, including of Hatch-Waxman litigation settlements.
- Represented a health care provider in connection with an audit by the New York State Office of the Medicaid Inspector General.
- Represented a retail pharmacy in connection with a civil investigative demand from the DOJ focused on coupons provided in connection with prescription transfers.
- Represented a party in connection with a civil investigative demand from the FTC relating to a merger of two PBMs.

Counseling

- Counsels clients on antitrust/competition issues arising out of all aspects of health care delivery, including competitor collaborations, such as joint ventures, co-promotion, supply and licensing agreements; all aspects of sales and marketing; pricing and payment; refusals to deal; and vertical integration.
- Counsels clients on antitrust/competition issues that arise in day-to-day business activities, including sales and marketing, competitor collaborations, trade association activity, and information sharing.
- Counsels clients on compliance with fraud and abuse laws.
- Advises on due diligence issues relating to compliance with antitrust and fraud and abuse laws.

AWARDS

- *Legal 500 United States:* Antitrust: Civil Litigation/Class Actions: Defense (2022-2026)
- *Benchmark Litigation:* “Local Litigation Star,” in Pennsylvania (2019, 2021-2025)
- *Chambers USA:* Antitrust, Pennsylvania (2008-2026)
- Pennsylvania Super Lawyers (2014-2016)
- *Best Lawyers in America®:* Antitrust Law (2017-2027)

TOP AREAS OF FOCUS

- Antitrust
- Business Litigation
- Class Action
- False Claims Act + Other Whistleblower Actions
- Health Care + Life Sciences
- International Arbitration

ALL AREAS OF FOCUS

- Antitrust
- Business Litigation
- Class Action
- False Claims Act + Other Whistleblower Actions
- Health Care + Life Sciences
- Health Care Litigation
- International Arbitration
- Litigation + Trial
- White Collar Litigation + Investigations

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of California, Berkeley, School of Law, J.D., 1998, production editor, *Berkeley Women’s Law Journal*; Order of the Coif
- Brown University, A.B., *magna cum laude*, 1992

BAR ADMISSIONS

- Pennsylvania

COURT ADMISSIONS

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Eastern District of Pennsylvania

- U.S. District Court, Northern District of Illinois

SPEAKING ENGAGEMENTS

- Speaker, Annual Antitrust CLE Event – 2025, Troutman Pepper Locke, December 4, 2025.
- Speaker, "The "Dreaded" Intermediaries," Annual Antitrust CLE Event, December 5, 2024.
- Speaker, "On the Antitrust Frontier," Troutman Pepper Annual Antitrust CLE Event, December 13, 2023.
- Speaker, ""New and Improved" Antitrust?," Troutman Pepper Annual Antitrust CLE Event, December 6, 2022.
- Presenter, Troutman Pepper's Annual Antitrust CLE Event, "Ethics in Antitrust," December 8, 2021.
- Speaker, "Early Vetting of and Motions to Strike Class-Action Individual Allegations," Second Annual Class Action Case Law and Practices Review Conference, November 11-12, 2021.

PUBLICATIONS

- Co-author, "Unanimous Court Cuts FTC's Power to Seek Monetary Redress," *Troutman Pepper*, April 23, 2021.
- Co-author, "COVID-19 Price Gouging Prevention Act May Give FTC and State AGs Needed Enforcement Powers," *Troutman Pepper*, April 10, 2020.
- Co-author, "Rarely Invoked Price-Gouging Statutes Are Now Front And Center Due to COVID-19," *Troutman Pepper*, April 3, 2020.
- Co-author, "Antitrust Agencies Expedite Review of Coronavirus-Related Collaborations," *Troutman Pepper*, March 25, 2020.

MEDIA COMMENTARY

- Mentioned, "Troutman Pepper Locke Attorneys Kyle Dolinsky and Robin Sumner Named "Litigator of the Week" Runners-Up by Law.com for Role in $1 Billion Third Circuit Pharmaceutical RICO Ruling," *Law.com*, July 24, 2026.
- Mentioned, "11th Circ. Won't Revive Equipment Dealer Antitrust Claims," *Law360*, October 31, 2023.