

Saiber Secures Dismissal of Massive Antitrust Complaint

August 10, 2016

Saiber LLC, along with co-counsel at Leo Law LLP, successfully moved to dismiss the Amended Complaint of plaintiff Marjam Supply Co. against clients American Builders and Contractors Supply Company (“ABC”) and Bradco Supply Corporation.

Plaintiff Marjam was previously a distributor of commercial roofing products manufactured by Firestone Building Products Co. and its affiliates. Raising antitrust claims under the Robinson-Patman Act, Marjam argued that ABC and Bradco were the recipients of illegal price discrimination to its detriment.

Moving to dismiss, we argued that Marjam’s Amended Complaint failed to contain any allegations that ABC or Bradco had any knowledge about the prices that Firestone charged Marjam (and thus, that they were different than those charged to ABC or Bradco), and similarly failed to contain any allegations concerning why ABC and Bradco would know any discounts they had received might be “unreasonably low.”

United States District Judge William J. Martini accepted ABC and Bradco’s position, holding that Marjam’s Amended Complaint fails to contain any allegations concerning any purported knowledge by ABC and Bradco of any illegal discriminatory pricing. Marjam’s Amended Complaint was therefore dismissed.

Saiber attorneys Jeffrey W. Lorell and Jakob B. Halpern, along with Gregory H. Revera of Leo Law, were on the successful brief.