

## Antitrust Class Action Against Graco Inc. Dismissed

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On March 11, 2014, Judge Ann Montgomery of the District of Minnesota dismissed a putative antitrust class action against Graco Inc. and its distributors that accused Graco of buying two of its closest competitors in the spray foam equipment market for the purposes of raising prices and reducing product options. ***Insulate SB Inc. v. Abrasive Products & Equipment et al.***, case number 0:13-cv-02664. The plaintiff alleged that after Graco purchased its rivals, it conspired with its distributors to boycott competitors. The lawsuit followed Graco's FTC settlement which bars it from pressuring distributors into not carrying its competitors' equipment products. The court held that the plaintiff's allegations, which occurred four years prior to filing the suit, were barred by the statute of limitations, and that even if the claims were not time-barred, the plaintiff's allegations were speculative and conclusory. The court also dismissed the plaintiff's request for injunctive relief, finding the remedy drastic for the situation and stating that "Graco's acquisition occurred over five years ago, and divestiture would impose obvious hardship on Graco employees and distributors."

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National Law Review, Volume IV, Number 72

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