WINSTON & STRAWN LLP

NEWS

District Court Dismisses Antitrust Complaint Against PetIQ

APRIL 22, 2019

Winston secured a win for clients PetIQ and VIP Petcare when Northern District of California Judge Maxine Chesney granted Winston's motion to dismiss with prejudice and rejected Plaintiffs' request to try again after multiple attempts.

In January 2018, PetIQ, a pet health and wellness manufacturer and distributor, acquired VIP Petcare, a nationwide operator of veterinary clinics. Winston's corporate and antitrust groups assisted with the transaction. Two competing distributors of pet health products filed suit in the Northern District of California asserting multiple antitrust claims against the merger based on two different theories of monopolization and one of price discrimination. Winston challenged the complaint arguing Plaintiffs failed to properly define a relevant market or market power and failed to meet the plausibility requirements needed for the allegations.

After a lengthy oral argument, the court dismissed Plaintiffs' complaint but gave them a chance to amend it. In the meantime, Plaintiffs filed a motion for expedited discovery for PetIQ and VIP Petcare's pre-merger filing with the Federal Trade Commission—which Winston vehemently opposed—and then filed their amended complaint. Winston again filed a motion to dismiss, arguing against Plaintiffs' new theories and even more implausible definition of a relevant market.

The court took the motion under submission on the papers. On April 22, 2019, it granted Winston's motion to dismiss in full and dismissed the case with prejudice. The ruling was recently featured in Law 360 and other antitrust publications.

The team consisted of San Francisco Associates Jeanifer Parsigian and Dana Cook-Milligan.

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