

Fueling Good: Winston Wins Motion to Dismiss in Oil Dispute

APRIL 18, 2024

On April 18, 2025, a Winston team led by partners James Herbison and Mike Mayer secured a final judgment on behalf of their client, Enbridge, in a monopolization case brought by Ducere, LLC under Section 2 of the Sherman Act and the Illinois Antitrust Act. Winston obtained a dismissal with prejudice by successfully arguing that plaintiff's antitrust claims were not sufficiently pled, and the alleged market was not properly defined.

Ducere brought the case against Enbridge after a joint venture owned by Enbridge and ExxonMobil rejected Ducere's proposal to build a terminal connecting to an oil pipeline to ship crude oil out of Chicago via barge. Ducere accused Enbridge of violating the Sherman Act under the "refusal to deal" and "essential facilities" monopolization theories. Winston successfully argued that Ducere failed to properly define a relevant market and also failed to adequately plead claims under either monopolization theory.

This ruling is significant because it shows that federal pleading standards demand that plaintiffs at the outset of the case allege and define a relevant market that is plausible in light of the economic realities of the industry at issue. In addition, this ruling further solidifies that the refusal to deal and essential facility doctrines are merely exceptions to the well-established general rule that private businesses—including large companies, and even alleged monopolists—may freely choose whom they will or will not do business with.

Ducere, LLC v. Enbridge (U.S.) Inc., Case No. 1:24-CV-01217 (U.S.D.C., N.D. Ill.)

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