

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

POWER BUYING DEALERS USA,)
INC., a Delaware corporation,)
)
Plaintiff,)
)
v.)
)
JUUL LABS, INC., a Delaware)
corporation, and HS WHOLESALE,)
LIMITED, a corporation,)
)
Defendants.)

Case No. 21-cv-03154

Judge Sharon Johnson Coleman

ORDER

Plaintiff Power Buying Dealers, USA, Inc. (“PBD”) brought claims of secondary-line price discrimination against Defendants Juul Labs, Inc. (“Juul Labs”) and HS Wholesale, Limited (“HSW”) under the Robinson-Patman Act, 15 U.S.C. § 13. Now before the Court is PBD’s second motion to reconsider under Federal Rule of Civil Procedure 59(e), requesting the Court to revisit its initial denial to reconsider its order dismissing PBD’s third amended complaint (the “TAC”). For the reasons set forth below, PBD’s motion is granted [281].

BACKGROUND

The Court twice granted PBD leave to amend its complaint after it had done so the first time as of right. In allowing PBD to once again amend, the Court permitted PBD to add additional factual allegations pertinent to its Robinson-Patman claims to incorporate its findings from discovery. The Court stated that it would not permit further amendments to PBD’s complaint. (Dkt. 254). After PBD filed the TAC, Defendants moved to dismiss the TAC for failure to state a claim. (Dkt. 259). Defendants pointed out that PBD deleted requisite allegations concerning a relevant geographic market, which appeared in prior versions of the complaint. On that basis, the

Court granted Defendants' motion to dismiss with prejudice. (Dkt. 270). PBD filed a motion for reconsideration, which the Court denied. (Dkt. 278). PBD subsequently filed the instant motion, for which the Court heard oral argument on February 24, 2026. (Dkt. 281, 283).

LEGAL STANDARD

Rule 59(e) allows a court to amend a judgment where a movant “demonstrate[s] a manifest error of law or fact or present[s] newly discovered evidence.” *Lightspeed Media Corp. v. Smith*, 830 F.3d 500, 505–06 (7th Cir. 2016) (internal citations omitted). A “manifest error” means “the district court commits a wholesale disregard, misapplication, or failure to recognize controlling precedent.” *Stragapede v. City of Evanston, Illinois*, 865 F.3d 861, 868 (7th Cir. 2017) (internal quotation omitted). Relief through a Rule 59(e) motion for reconsideration is an “extraordinary remed[y] reserved for the exceptional case.” *Foster v. DeLuca*, 545 F.3d 582, 584 (7th Cir. 2008). “A manifest error is not demonstrated by the disappointment of the losing party.” *Oto v. Metropolitan Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (internal quotations omitted).

DISCUSSION

At the outset, the Court notes that PBD has yet to establish a “manifest error of law or fact or present[s] newly discovered evidence.” That is the standard for evaluating a 59(e) motion. The most PBD does is aver that the Court’s dismissal was “informed by [its] interpretation of the governing legal standards.” (Dkt. 281) at *4. Courts have “the duty of interpreting and applying them in cases properly brought before the courts.” *Patchak v. Zinke*, 583 U.S. 244, 249, 138 S. Ct. 897, 904, 200 L. Ed. 2d 92 (2018) (quoting *Commonwealth of Massachusetts v. Mellon*, 262 U.S. 447, 488, 43 S. Ct. 597, 601, 67 L. Ed. 1078 (1923); see also *Wayman v. Southard*, 23 U.S. 1, 46, 6 L. Ed. 253 (1825) (Marshall, C.J.) (“[T]he judiciary construes the law.”).

To show competitive injury, plaintiffs must allege that it was in “actual competition” with a favored competitor within the relevant market. *Volvo Trucks N. Am. Inc. v. Reeder-Simco GMC, Inc.*,

546 U.S. 164, 177 (2006) (quoting 15 U.S.C. § 13(a)). The relevant market for a Robinson-Patman claim “consists of both a geographic and a product market.” *W.H. Brady Co. v. Lem Prods., Inc.*, 659 F. Supp. 1355, 1370 (N.D. Ill. 1987) (Nordberg, J.) (citing *Kaiser Aluminum & Chemical Corp. v. F.T.C.*, 652 F.2d 1324, 1329 (7th Cir. 1981)). Therefore, plaintiffs must show purchasers competed “within the same geographic market.” *Best Brands Beverage, Inc. v. Falstaff Brewing Corp.*, 842 F.2d 578, 585 (2d Cir. 1987); *Stelwagon Mfg. Co. v. Tarmac Roofing Sys., Inc.*, 63 F.3d 1267, 1271 (3d Cir. 1995) (same); *Godfrey v. Pulitzer Pub. Co.*, 276 F.3d 405, 410 (8th Cir. 2002) (same); *Infusion Res., Inc. v. Minimed, Inc.*, 351 F.3d 688, 692–93 (5th Cir. 2003) (same); *see also Williams v. Duke Energy Int’l, Inc.*, 681 F.3d 788, 800 (6th Cir. 2012) (plaintiffs adequately alleged price discrimination where discrimination took place within the same specified geographic market).

The Court also addressed PBD’s arguments in its ruling. The Court explained that its legal basis for dismissal was *not* Magistrate Judge Gilbert’s order but its own analysis of the law; that PBD had not adequately alleged an RGM in its TAC; and that the Court could not consider PBD’s interrogatory answer as part of its TAC. Further, the omission of a fact necessary to plead “actual competition” is not a “strictly procedural” defect. Nor does the Court find it compelling that JLI never moved to dismiss prior complaints on the basis that PBD did not allege an RGM. That omission could not have been the basis of a motion to dismiss before PBD filed the TAC—because PBD’s three prior complaints each alleged an RGM.

The Court belabors these points in response to the suggestion that PBD’s motion did not “receive[] full and considered evaluation” and that “the ruling was issued without the benefit of a comprehensive merits analysis.” (Dkt. 281) at *2. The Court carefully considers each motion. While PBD may not have liked the outcome, its motion received full and considered evaluation on whether it “demonstrate[d] a manifest error of law or fact or present[ed] newly discovered

evidence.” *Lightspeed*, 830 F.3d at 505–06. The Court concluded based on its review of caselaw and the record that it had not.

Nevertheless, the Court possesses authority under Rule 59(e) to “amend a judgment if the facts of the case and the interests of justice so warrant.” *Rinaldi v. World Book, Inc.*, 2002 WL 172449, at *1 (N.D. Ill. Feb. 4, 2002) (Darrah, J.). The Court recognizes that the deficiency is easily curable and agrees that there is little risk of prejudice to JLI. This is especially because fact discovery has been closed and expert disclosures have been made, such that PBD is bound to a discrete evidentiary record. And while none of PBD’s cited cases contemplated granting leave to file a *fifth* complaint, the Court appreciates the lenient standard employed by the Seventh Circuit. None of these reasons require the Court to exercise its authority under Rule 59(e) (as there was no error), but the Court does so within its discretion.

CONCLUSION

For these reasons, the Court grants PBD’s motion to reconsider [281], with the hope that PBD will not perceive this order as “reactive” notwithstanding its prompt issuance. The Court vacates its order on JLI’s motion to dismiss [259] and PBD’s motion for reconsideration [273]. The Court grants PBD leave to file a final amended complaint.

IT IS SO ORDERED.

Date: 2/27/2026

Entered: _____



SHARON JOHNSON COLEMAN
United States District Judge