

Appeals Court Rules in Favor of Michael Foods in Pricing Case

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A federal appeals court today directed that judgment be entered in favor of Michael Foods, Inc. in a long-running pricing case brought under the Robinson-Patman Act.

The case, *Feesers, Inc. v. Michael Foods, Inc. and Sodexo, Inc.*, was filed in 2004. In the suit, Feesers, a regional food distributor based in Pennsylvania, claimed that it competes with Sodexo, Inc., a multinational food service management company, and that Michael Foods was required to sell its products to both companies at the same price. The Third Circuit Court of Appeals today rejected Feesers' claim, holding that Feesers and Sodexo are not competing purchasers.

Michael Foods was represented by Roy T. Englert, Jr. of Robbins, Russell, Englert, Orseck & Untereiner in Washington, D.C., and by J. Scott Ballenger, Maureen E. Mahoney, Jennifer L. Giordano and Margaret M. Zwisler of Latham & Watkins, LLP in Washington, D.C.

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