

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

STEVES AND SONS, INC.,

Plaintiff,

v.

Civil Action No. 3:16-cv-545

JELD-WEN, INC.,

Defendant.

ORDER

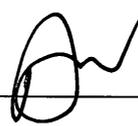
For the reasons set forth on the record at trial on February 13, 2018, having considered JELD-WEN, INC.'S MOTION FOR JUDGMENT AS A MATTER OF LAW AGAINST STEVES & SONS, INC. (ECF No. 968), it is hereby ORDERED that the motion is granted in part, denied in part, and taken under advisement in part. The motion is granted to the extent that it seeks judgment as a matter of law on Count Two of Plaintiff's Complaint as far as that claim is based on Defendant's allegedly supplying Plaintiff with doorskins that were defective because they had suffered in-plant damage. Plaintiff has not provided sufficient evidence from which a reasonable jury could conclude that Defendant's conduct in that regard breached Section 8 of the Supply Agreement.

However, the motion is denied to the extent that it seeks judgment as a matter of law on any part of Count One. Plaintiff has provided enough evidence from which a reasonable jury could conclude that Defendant violated Section 7 of the Clayton Act, that such

violation caused multiple antitrust injuries to Plaintiff in the form of increased doorskin prices and decreased doorskin quality, and that Plaintiff suffered measurable damages as a result of those injuries.

Finally, the Court will reserve its decision on the motion to the extent that it seeks judgment as a matter of law on Count Two as far as that claim is based on: (1) Defendant's failure to reimburse Plaintiff for defective doorskins; and (2) Defendant's failure to reimburse Plaintiff for the cost of doors manufactured by Plaintiff that incorporated defective doorskins sold to it by Defendant. The Court lacks adequate briefing from the parties to be able to determine at this time whether a reasonable jury could or could not find that those actions constitute breaches of Section 8 of the Supply Agreement.

It is so ORDERED.

/s/ 

David J. Novak
United States Magistrate Judge
At the direction of
Honorable Robert E. Payne

Richmond, Virginia
Date: February 21, 2018