

Zelle Hofmann Attorneys Defeat Summary Judgment Motion On "Secret Rebate" Counterclaim

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As recently reported in *Competition Law360*, Zelle Hofmann attorneys successfully defended against a summary judgment motion brought under an obscure provision of California's Unfair Practices Act (UPA). A pet food supplier sought summary judgment on its claims that Zelle Hofmann client Pet Food Express Ltd., a San Francisco Bay Area retailer, violated the "secret rebate" provision of the UPA. The federal district court denied the motion, noting the legal and factual shortcomings cited by Pet Food Express in its opposition and oral argument. Zelle Hofmann partner Judith A. Zahid, and former Zelle Hofmann associate Patrick B. Clayton represented Pet Food Express Ltd. in the matter, along with co-counsel Henn Etzel & Moore.