

PARTNERS?

Written by TMAC GOLF
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Relationships are tricky. It takes work from both sides to give it a fighting chance. Sometimes it is doomed to fail. Communication is the central theme towards finding a way to cohabitant peacefully. Business relations can be even more problematic. Its about making money, which should be a common goal from both sides. Yet, the element of communication isn't often as clear or necessarily a two-way street. That seems to be where one retailer and prominent equipment manufacturer now find themselves.

Nike is being sued by Games People Play, Inc. (GPP) out of Beaumont, Texas over the sale of goods to different purchasers at different prices and discriminatory promotional practices. GPP has filed this action under federal and state antitrust laws, specifically [Section 2\(a\) of the Robinson-Patman Act and Oregon's Anti-Price Discrimination Act](#)

The retailer, who has been listed multiple times in the past as one of the Top 100 Golf Shops in America by Golf World Magazine, lists various examples where Nike Golf provided products at lower prices to other retail accounts. Despite bringing the matter to the attention of Nike Golf, it failed to do anything about it, according to the lawsuit. In turn GPP went forward and purchased product from a gray market account even though Nike Golf was made fully aware of it.

According to papers filed, Nike Golf sent representatives, including Mike Francis, Nike Golf's GM, to meet with the owners of GPP to discuss and or potentially resolve the matter. However it had the opposite effect as it eventually led to a contentious relationship, which has seen GPP's business impacted by its strained relationship with Nike Golf. GPP contends that Nike has refused to stop its ongoing price discrimination consistent with the terms of Oregon's Anti-Price Discrimination Law, and therefore it continues to suffer ongoing price discrimination and lost profits.

GPP is suing for damages caused by unlawful and unethical golf suppliers that affect supplier competition, supplier retail accounts, consumers and shareholders. The complaint was filed in May but in October Nike's request for a motion to dismiss was denied. It is expected to go to trial by jury.

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