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Frozen Potato Benchmarker Can't Appeal Dismissal Loss

By **Lauraann Wood**

Law360 (November 10, 2026, 8:43 PM EST) -- A benchmarking company that serves the frozen potato product market cannot take a midcase appeal of its losing bid to ditch consolidated price-fixing claims because the question it's looking to ask on appeal is not purely legal, an Illinois federal judge ruled.

Circana Inc. cannot ask the Seventh Circuit to determine whether plaintiffs have lodged sufficient antitrust claims against it because that question requires a fact-intensive inquiry the appellate court could not resolve without studying the record, U.S. District Judge Jeffrey Cummings said in **his order Monday**.

Even if that question were purely legal, Circana still could not raise it for interlocutory appeal because its resolution would not excuse the data service from the case, Judge Cummings said.

In the consolidated litigation, the plaintiffs claim prices for frozen french fries, hash browns, tater tots and other potato products remained relatively stable for decades until Lamb Weston, McCain Foods, J.R. Simplot Co. and Cavendish Farms began working together to inflate them. Judge Cummings trimmed only some state law claims from the case **in September**, saying the plaintiffs had otherwise laid out plausible antitrust accusations.

The case is Redner's Markets Inc. v. Lamb Weston Holdings Inc. et al., case number 1:24-cv-11801, in the U.S. District Court for the Northern District of Illinois.

--Editing by Stephen Berg.

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