

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Hardware Plus, Inc. v. Omnimax International, LLC, et al.

Hardware Plus · No. Civil No. 23-1394 (MBA); 3:23-cv-01394 · Decided April 21, 2026

SUMMARY

The United States District Court for the District of Puerto Rico denied Ace Hardware International’s motion for reconsideration under Federal Rule of Civil Procedure 59(e). The court held that Ace presented no new argument, intervening change in law, clear legal error, or newly discovered evidence, and reaffirmed its conclusion that Hardware Plus sufficiently alleged continuing tortious interference through Ace’s ongoing sale of products in Puerto Rico. The court also distinguished authorities involving single identifiable events from the alleged continuing violations in this case.

CASE DETAILS

COURT	United States District Court for the District of Puerto Rico
WRITING FOR THE COURT	Mariana E. Bauzá-Almonte
JURISDICTION	United States District Court for the District of Puerto Rico
DECIDED	April 21, 2026
DOCKET	Civil No. 23-1394 (MBA); 3:23-cv-01394
DISPOSITION	other
PROCEDURAL POSTURE	Codefendant Ace Hardware International moved under Federal Rule of Civil Procedure 59(e) for reconsideration of the court's prior order denying its motion to dismiss Hardware Plus, Inc.'s tortious-interference claim as time-barred.
STANDARD OF REVIEW	A Rule 59(e) motion is committed to the court's considerable discretion and is generally limited to an intervening change in controlling law, clear legal error, or newly discovered evidence. It may not be used to raise arguments that could have been made earlier or to repeat arguments previously considered and rejected.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court opinion

TOPICS

- motion for reconsideration
- statute of limitations
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Ace satisfied the limited grounds for reconsideration under Federal Rule of Civil Procedure 59(e).
2. Whether the court clearly erred in concluding that Hardware Plus sufficiently alleged continuing violations to avoid dismissal of its tortious-interference claim as time-barred.
3. Whether Ace improperly used Rule 59(e) to present arguments that could have been raised before judgment and to repeat arguments previously considered.

HOLDINGS

1. Reconsideration was properly denied because Ace identified no intervening change in controlling law, clear legal error, or newly discovered evidence, and its motion raised arguments that could have been made earlier or repeated arguments previously considered.
2. The court did not clearly err in distinguishing continuing violations from continuing damages and in concluding that Hardware Plus's allegations of Ace's continuing sales activity could support tolling of the limitations period at the pleading stage.

KEY QUOTATIONS

“Such a motion may be granted when there has been ‘an error not of reasoning but apprehension.’” (at 2)

“Rule 59(e) does not permit a party to turn back the clock and try to reinvent its case with the benefit of hindsight after an adverse judgment has been entered.” (at 2)

“The continuing violations ‘doctrine allows a lawsuit to be delayed in cases — such as hostile work environment claims — in which a course of ‘repeated conduct’ is necessary before ‘a series of wrongful acts blossoms into an injury on which suit can be brought.’” (at 5)

FACTUAL BACKGROUND

Hardware Plus alleged that Ace was tortiously interfering with its business relationship and exclusivity rights by continuing to sell products in Puerto Rico. The court treated those allegations as asserting continuing violations rather than merely continuing damages resulting from a single completed act. Ace relied on authorities involving single identifiable events, including termination of a dealership or contract, while Hardware Plus alleged continuing conduct.

PROCEDURAL HISTORY

The court previously denied Ace's motion to dismiss, concluding that Hardware Plus had sufficiently pleaded a continuing violation supporting application of the continuing-violation doctrine. Ace timely moved for reconsideration, arguing that the court had failed to apply First Circuit precedent and other authorities. The court denied reconsideration.

DISPOSITION

other

CASES CITED

- Tolbert v. Cooperative de Seguros Multiples de P.R., 2025 U.S. Dist. LEXIS 131343, 2025 WL 1891812 (D.P.R. July 9, 2025)
- City of Miami Fire Fighters' & Police Officers' Ret. Tr. v. CVS Health Corp., 46 F.4th 22, 36 (1st Cir. 2022)
- Carrero-Ojeda v. Autoridad de Energía Eléctrica, 755 F.3d 711, 723-24 (1st Cir. 2014)
- Soto-Padró v. Public Bldgs. Auth., 675 F.3d 1, 9 (1st Cir. 2012)
- United States v. Peña-Fernández, 394 F. Supp. 3d 205 (D.P.R. 2019)
- Nat'l Metal Finishing Co. v. BarclaysAmerican/Commercial, Inc., 899 F.2d 119, 123 (1st Cir. 1990)
- Palmer v. Champion Mortg., 465 F.3d 24, 30 (1st Cir. 2006)
- Pacific Insurance Co. v. American National Fire Insurance Co., 148 F.3d 396, 403 (4th Cir. 1998)
- Trabal Hernandez v. Sealand Servs. Inc., 230 F. Supp. 2d 258, 259 (D.P.R. 2002)
- Aybar v. Crispin-Reyes, 118 F.3d 10, 16-17 (1st Cir. 1997)
- Vasapolli v. Rostoff, 39 F.3d 27, 36 (1st Cir. 1994)
- Flovac, Inc. v. Airvac, Inc., 817 F.3d 849, 856-57 (1st Cir. 2016)
- Quality Cleaning Prods. R.C., Inc. v. SCA Tissue N. Am., LLC, 794 F.3d 200, 205-06 (1st Cir. 2015)
- B.W.A.C. Int'l v. Quasar Co., 38 PR Offic. Trans. 10 (1995)
- Padró v. Fed. Deposit Ins. Corp., No. CV 10-2041 (JAG), 2012 WL 12995700 (D.P.R. Sept. 28, 2012)
- V.W.F. Corp. v. Capital Housing Partners CLXII, 2007 WL 1437503 (D.P.R. May 11, 2007)
- Illinois Central Gulf Railroad Co. v. Tabor Grain Co., 488 F. Supp. 110, 122 (N.D. Ill. 1980)
- Frietsch v. Refco, Inc., 56 F.3d 825, 828 (7th Cir. 1995)
- Triple S Propiedad, Inc. v. Praxis Associate, Inc., 2013 WL 1741950 (P.R. Ct. App. 2013)
- Healthy Air Masters, Inc. v. Motopac Corp., 2024 PR App. LEXIS 2885, 2024 WL 5152889 (P.R. Ct. App. Nov. 21, 2024)
- Flowers v. Carville, 310 F.3d 1118, 1126 (9th Cir. 2002)
- Cacho González v. Santarrosa, 203 D.P.R. 215, 225 (2019)