

## Commercial Litigation

Every corporate litigant must balance aggressiveness and caution, based on a company's appetite for business risk. Some cases demand a full-scale battle while others require early settlement. And while some must involve a public hearing, others call for a more discreet and nuanced approach. Our attorneys are well attuned to all of the business ramifications of our clients' decisions. We represent them in a wide range of corporate disputes and defend them in government investigations and enforcement actions.

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### Contractual Disputes

We regularly represent corporate clients in contractual disputes with other companies, including competitors, vendors, clients, investors and business partners. These disputes are often multilayered, with multiple parties and jurisdictions involved. As such, they require precision, creativity and a complete mastery of the nuances, interrelationships and constantly moving pieces.

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### M&A Litigation

The firm has a robust corporate litigation practice that handles disputes arising from mergers and acquisitions (M&A). We regularly represent buyers, sellers, and target companies in all manner of disputes involving indemnification, earnout provisions, and representations and warranties. As representation and warranty insurance policies now regularly attend M&A transactions, we are at the forefront in litigating cases involving complex M&A insurance issues.

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### Class Action Defense

The firm represents clients in class actions involving false or deceptive marketing claims, bringing an unequaled depth of knowledge in the field. Often, this knowledge is brought to bear in stages: resolving the matter before a lawsuit is filed, moving to dismiss the complaint or strike class allegations, working to defeat class certification, or if necessary, fully litigating through trial or other disposition.

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### Strategic Conflict Avoidance

With the steady increase in consumer class and government enforcement actions, many of our clients are now anticipating litigation and taking proactive steps to avoid it. They seek our help in getting ahead of the claims typically brought by plaintiffs or government agencies. At their request, we conduct internal investigations at the first sign of possible irregularities, and we offer in-house training and seminars to alert their workforce to potential risks and to educate them on current best practices.

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### Representative Matters

- Represented a global beauty products company against a multimillion dollar claim brought by a distributor in the New York Supreme Court concerning the alleged breach of an exclusivity agreement. Moved to dismiss the action based on documentary evidence and defended the victory on appeal.
- Negotiated a settlement of a contentious litigation brought by a senior executive against a creative communications agency and its founder. Involved hotly contested issues of equity ownership, re-

purchase obligations, disproving the binding effect of certain employment related agreements, and breaches of fiduciary duty. Settled after mediation.

- Recovered over \$13 million in damages for a global localization services company in connection with a \$300 million strategic acquisition. Claims included breaches of representations and warranties against the seller and against an insurer pursuant to a representation and warranty insurance policy.
- Represented a global financial services institution in a \$45 million trial before a FINRA arbitration panel brought by an investor asserting claims for alleged unauthorized securities trading.
- Defended a global information technology services company against multimillion dollar claims brought in federal court for breach of contract in connection with the termination of a lightning data services and software agreement. Achieved dismissal of the primary claims and resolved the remaining claims.
- Won a post-trial motion to have a federal district court set aside a jury verdict of a multimillion dollar finder's fee claim related to the alleged lift out of a team of wealth management professionals. Then defeated the plaintiff's appeal and won court costs related to that appeal.