Can Non-Compete Agreements Be Classified As Personal Services Contracts?

Insight

The 8th Circuit Court of Appeals recently addressed an issue that frequently arises in the non-compete context: what happens when a company buys the assets of another and then tries to enforce non-compete agreements? Michael Elkon of Fisher & Phillips discusses the case.

Despite (or Because of) Extensive Negotiations, No Contract and No Promissory Estoppel

Insight

In this case, the fact that there was no integrated agreement did not defeat the plaintiff's breach of contract claim. Rather, the question was whether there was ever an intent to create a contract, writes Stephen M. Proctor of Masuda Funai.

Court Finds That Text Message Can Form Binding Contract

Insight

A Massachusetts court ruled that a string of text messages can constitute a writing under the Statute of Frauds sufficient to bind the parties to sell certain property, writes Matthew DeVries on Burr & Forman LLP's Best Practices Construction Law.

Herbalife Agrees to $200M Settlement With FTC

News

The FTC has determined that Herbalife is not a pyramid scheme, but the company will be required to pay $200 million to consumers and "fully restructure" its "unfair" business in a comprehensive settlement, the federal regulator, according to a report by *USA Today*.

U.S. Prosecutors Launch Review of Failed Fedex Drug

Case

News

The review plays into a broader debate about how the government prosecutes suspected corporate wrongdoing and could influence its approach to such cases in the future," write Dan Levine and David Ingram for Reuters.

Breaking Up Is Hard to Do: Tips for Handling Supplier Terminations

Insight

The decision to end a supplier relationship can be a difficult one, often reached only after multiple attempts to fix problems have failed and various alternatives to termination have been fully considered, writes Robert F. Ware of Thompson Hine.

Classic China Scam: Come to China to Sign the Contract

Insight

Once the Westerner gets to China, the local representative profits by splitting inflated costs incurred at hotels and

restaurants and from fake notary charges, explains Dan Harris in Harris Moure, LLP's China Law blog.

Rose • Walker Victory Makes Top-Verdicts List

News

Texas Lawyer's annual listing of the top verdicts in Texas includes last year's trial win by Dallas-based Rose•Walker for firm client ThermoTek Inc. as one of the state's top contract verdicts.

BP Fined $20 Million for Rigging U.S. Natural Gas Markets

News

BP Plc faces more than $20 million in penalties and surrendered profits after a U.S. regulator found that the energy giant manipulated commodity markets in Texas, according to a report by Bloomberg and published by *The Business Times*.

Google Self-Driving Car Project Gets First GC as Scrutiny Rises

News

The hiring comes at a critical time as Google aims to commercialize self-driving cars by 2020. With a CEO and a director already in place, a chief lawyer has been a missing piece.

Silicon Valley Star Gets Caught Up In One of the Nastiest Startup Lawsuits Ever

News

One of the founders of futuristic transportation start-up Hyperloop One has filed a wrongful termination suit against his former co-founder, alleging nepotism and harassment, CNN is reporting.

Latham Advises Onex and Baring Asia on Thomson Reuters Acquisition

News

Onex Corporation and Baring Private Equity Asia have announced their affiliated private equity funds have agreed to acquire the Intellectual Property & Science business (IP&S) from Thomson Reuters, for $3.55 billion.

SEC Accuses KPMG Partner in Atlanta, Two Others of Insider Trading

News

U.S. securities regulators have accused a KPMG partner and two other individuals of insider trading on tips about three pending corporate mergers on which the accounting firm was providing advice, Reuters is reporting.

Trends in New Business

Entities: 30 Years of Data

Insight

Limited Liability Companies, or LLCs, are now the most popular legal entity for organizing businesses in the United States, according to a new report issued by Berkman Solutions.

Business Litigation in California: Perplexing, Downright Exasperating

Insight

Archer Norris published its second annual California Business Litigation Report, revealing that corporate lawyers continue to view many aspects of California's business environment as perplexing, downright exasperating, and in many ways more challenging than other states.

Theranos CEO Holmes Banned From Operating a Lab for 2 Years

News

Theranos Inc.'s Chief Executive Officer Elizabeth Holmes was banned for two years from owning or operating laboratories by

U.S. regulators, a major blow against the controversial blood-testing startup that's come under scrutiny for risking patient harm with unreliable tests, reports Doni Bloomfield for Bloomberg Technology.

U.S. Tax Agency Investigates Facebook's Ireland Asset Transfer

News

The tax authority is examining whether Facebook understated its U.S. income by selling rights to an Irish subsidiary too cheaply, reports Reuters.

Uber GC's 10-Word Email Could Lead to Potentially Costly Embarrassment

News

A supposedly rogue investigation that Uber originally claimed it knew nothing about – and which could turn out to be a costly embarrassment for the ride-hailing giant – began with a 10-word request from the company's general counsel, reports Matthew Flamm in *Crain's New York Business*.

Enforceability of Electronic Agreements in Real Estate Transactions

Insight

It is becoming common for more and more transactions to be created, negotiated, finalized and executed electronically, according to an alert from Arnall Golden Gregory LLP. From a real estate perspective, virtually all documents other than those that are being recorded are exchanged electronically.

New Federal Trade Secrets Law Contains A Hidden Trap

Insight

Immunity notification requirements of the Defense of Trade Secrets Act are less than straightforward, writes writes Michael Greco in Fisher Phillips. If employers intend to avail themselves of the new federal cause of action, they should carefully analyze their agreements and policies to ensure compliance.