

# Rejecting Power-Purchase Agreements in Energy Cases: Do Bankruptcy Courts Have Exclusive Jurisdiction?

## *Insight*

A bankruptcy court held that it not only has exclusive jurisdiction over the rejection of wholesale power-purchase agreements, but that the Federal Energy Regulatory Commission has no such jurisdiction, according to Holland & Hart.

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# Understanding Where And When a Pre-Printed Form is Appropriate

## *Insight*

Business owners often fail to carefully review the pre-printed sections of contracts to know what the contract actually says.

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# The Devil is in the Details

# **(or Lack Thereof): A Costly Lesson in Allocating Environmental Responsibility in Contracts**

## ***Insight***

The seller could have more carefully crafted the language of the rider to limit its remediation obligations.

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# **Business Lobby Prods 9th Circuit to Revisit Decision Curbing Consumer Arbitration**

## ***News***

The briefs come in the wake of the 9th Circuit's June 28 rulings in which plaintiffs claimed they couldn't be forced into arbitration because they sought injunctions against corporate defendants.

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**LIBOR**

**Phase-Out:**

# Considerations for Oil & Gas Companies

## **Insight**

Oil and gas companies are encouraged to consider the impact of the phase-out to their organization and take steps to assess existing agreements and carefully monitor the execution of new agreements.

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# Third-Party Contract Due Diligence in Outsourcing Agreements

## **Insight**

The due diligence review of existing third-party contracts is a critical component of any outsourcing deal, according to Morgan Lewis.

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# Private Equity: The Little-Regarded Confidentiality Agreement

## **Insight**

Global Private Equity Watch discusses a case that

distinguishes between affiliates entitled by the non-disclosure agreement that are entitled to receive confidential information and affiliates actually bound by the agreement.

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## **Ambiguous Limitation-of-Liability Clause Did Not Clearly Restrict Owner's Claims**

### ***Insight***

A Mississippi federal court denied a defendant's motion for partial summary judgment in connection with a limitation-of-liability clause, according to a Pepepr Hamilton post .

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## **American Airlines Demands Mechanics' Unions Pay For 'Enormous Financial Losses' From Flight Delays, Cancellations**

### ***News***

American Airlines is demanding that the mechanics' unions pay

for hundreds of flight delays and cancellations over the last two months.

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## **Rejecting Power-Purchase Agreements in Energy Cases: Do Bankruptcy Courts Have Exclusive Jurisdiction?**

### ***News***

The U.S. Bankruptcy Court for the Northern District of California held that it has exclusive jurisdiction over the rejection of wholesale power-purchase agreements, reports Holland & Hart.

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## **International Manufacturing Contracts: Why Templates Are a No-Go**

### ***Insight***

Dan Harris of Harris Bricken discusses why he sometimes has to explain to companies why he never does “template” manufacturing agreements.

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# Typical 1031 Exchange Agreements

## *Insight*

A post on the website of Mackay, Caswell & Callahan discusses the basics of drafting contracts associated with Section 1031 exchanges.

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# Don't Let ERP Contracts Fool You Twice

## *Insight*

Never sign the vendor's or integrator's template contract without negotiating and redrafting key provisions – even the boilerplate ones, Taft's Marcus Harris advises.

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# 12 Tips for Shippers Negotiating Freight Contracts

## *Insight*

A collaborative contracting process with shared goals and understandings, clear expectations and mutual obligations will reduce a company's legal risk.

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# U.S. Supreme Court to Rule on Important International Arbitration Issue

## *Insight*

The answer to the question depends on where in the United States the dispute is being litigated, according to China Law Blog.

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# Gunmaker Asks Justices to Rule Against Sandy Hook Families

## *News*

The company argued that the 2005 federal Protection of Lawful Commerce in Arms Act shields firearm makers from liability when their products are used in acts of violence.

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# Thompson & Knight Counsels

# Conflicts Committee of American Midstream Partners in Going-Private Merger with ArcLight

## *News*

Thompson & Knight LLP advised the Conflicts Committee of American Midstream Partners, LP in its merger with an affiliate of ArcLight Energy Partners Fund V.

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# Recent Case Law Focuses on Drafting Considerations in Payments Contracts

## *News*

A court recently ruled that where a contract between a credit card processor and its sale agent had conflicting clauses, the clause should be read in favor of the sales agent.

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**Drafting**

**Sublicense**



# Provisions in Intellectual Property Licenses

## *Insight*

A sublicense in the context of an IP license is any agreement where the licensee grants a third party rights to any of the licensed IP.

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## **Equifax Data-Breach Settlement: Get Up to \$20,000 If You Can Prove Harm**

### *News*

Individual victims may be able to claim as much as \$20,000 in compensation for losses resulting from the breach if they can prove they were harmed.