Ruling Allows Sandy Hook Case to Go Forward: A Path Around Federal Protection for Gun Makers?

News

The decision that kept the landmark gun case alive possibly created a path that other mass shooting victims can follow to get around the federal Protection of Lawful Commerce in Arms Act.

U.S. Judge Rules Qualcomm Owes Apple Nearly $1 Billion Rebate Payment

News

A district judge in California ruled Thursday that Qualcomm must make the rebate payments to Apple, which for years used Qualcomm’s modem chips to connect iPhones to wireless data networks.

CEO of OxyContin-Maker Says Bankruptcy is ‘an Option’ as Company Faces Opioid Lawsuits

News

Declaring bankruptcy could halt litigation against the company, bankruptcy lawyers said, and it can be more difficult for plaintiffs to secure judgments in bankruptcy court than in civil court.

Roundup Cancer Claims Could Come Down to a Feather’s Weight

News

Roundup, not hepatitis, caused the plaintiff’s cancer, his lawyers argued at a critical juncture in the company’s second U.S. trial over the popular herbicide.

7th Cir. Holds Mere Need for Extrinsic Evidence to

Interpret Ambiguous Contract May Not Be Enough to Avoid Class Cert

Insight

The Seventh Circuit held that merely requiring extrinsic evidence to interpret a provision of a form contract does not render class certification improper, and that absent a more thorough explanation of its reasoning from the trial court, it could not uphold the trial court's ruling decertifying the class.

The Art of Holding Harmless: Indemnification Provisions in Supply Agreements and How They Differ from Warranty

Insight

An indemnity is a powerful risk allocation tool that deserves careful attention and a critical eye, both in terms of subject matter and administration, according to Foley & Lardner's Manufacturing Industry Advisor.

Judge Hears Arguments for Tossing Neiman Marcus Fraud Lawsuit

News

“This is a $1 billion fraudulent transfer case,” an opposing lawyer told the state district judge.

Economic Value Added: The Good, the Bad, and the Complex

Webinar, March 21, 2019

While EVA (or Economic Value Added) is not new, it has been one of the more obscure financial performance metrics for incentive compensation, according to the NACD.

How Parties’ Intentions Affect Contract Processes in Paper, Electronic and Smart

Contracts

Insight

Developing skills that get the best representation of your intentions into an agreement can yield long-term benefits, writes Jesse P. Elison of Fox Rothschild.

Texas Supreme Court Ruling on Attorney-Client Privilege Can Benefit Insurers

News

The ruling is significant to Texas because it aligns the state with the federal rules on expert disclosure and production.

Court Agrees General Counsel Was Fired for Whistle-Blowing; Upholds $8 Million Verdict

News

The 9th Circuit ruled that the former general cousnel had acted as a whistle-blower and was dismissed in retaliation for reporting conduct that he “reasonably believed” to be illegal.

Elon Musk Defiant As Judge Orders Him to Explain Tesla Tweets

News

Tesla’s internal system designed to have an in-house lawyer vet Elon Musk’s tweets didn’t work in this case because his social-media minder didn’t bless the Feb. 19 post.

UBS Lawyers Played Hardball With French Enforcers, Failed Spectacularly

News

The bank has been ordered to pay more than $5 billion in the tax-evasion case — matching what was sought by prosecutors.

Contracting to Avoid Tort-

Based Punitive Damages Awards

Insight

Damages for breach of contract are normally constrained by common-law rules designed to compensate the non-breaching party for the nonperformance of the breaching party, rather than to punish the breaching party.

International Contracts and Why What You Think ‘Can’t Hurt’ Usually Does Hurt

Insight

Dan Harris explains the potential drawbacks of using some standard boilerplate clauses in contracts outside common law countries.

$43M Awarded to Intellectual Ventures I LLC in Patent Infringement Trial

News

The jury also determined T-Mobile and Ericsson failed to provide convincing evidence that Intellectual Ventures’ claims involving the patents were invalid.

A Guide to Joint Development and Collaboration Agreements

Insight

Protecting intellectual property is a challenge, especially when entering into a joint development agreement, warns Hogan Lovells.

‘Breaking Contracts has Consequences’ – Third Circuit Backs Employer with Restrictive Covenant Agreements

Insight

Employers should be mindful that entering restrictive covenant agreements containing merger clauses may nullify prior restrictive covenant agreements, advises Genova Burns.

Service Contracts and the Magnuson-Moss Warranty Act

Insight

Although service contracts mirror many of the features of traditional insurance products, most states expressly exclude them from the statutory definition of insurance, according to an article by two Locke Lord lawyers.

Download: Top 10 Compliance Trends eBook

Insight

The NAVEX publication shows how shifts in the workplace and regulatory environment bring to light the importance of authenticity and ethical practices.