Are ‘Best Efforts’ Provisions Enforceable in Maritime Contracts?

White Paper

Including “best efforts” provisions in a maritime contract can be a good practice, but only if the contract includes guidelines as to what constitutes the party’s “best efforts.”

Litigation Shows Buyout Clauses Don’t Always Provide Certainty as Designed

White Paper

Although the purpose of the “buyout” is to allow both coach and university to avoid future costs of litigating a breach of contract case, some recent lawsuits reveal that is sometimes easier said than done.

ERISA Ruling: Claimant Has ‘Duty to Investigate’ When

Asserting Equitable Tolling of Contractual Limitations Provision

NEWS

A plaintiff is not reasonably diligent when she fails to investigate basic issues that are relevant to her claim or to proceed with it in a reasonably prompt fashion.

$663 Million in Penalties for Maker of Guardrail

NEWS

At least 14 lawsuits blame the Trinity Industries guardrails for causing injuries in crashes, including five deaths.

Reevaluate Commercial Sales Contracts That Incorporate Other Documents by Reference

White Paper

Consumers consent to numerous terms and conditions scattered across the web, often without even being aware of them.

Boston Scientific Ordered to Pay $100 Million Over Mesh

NEWS

A Delaware jury has determined that Boston Scientific Corp. must pay $100 million to a Delaware woman who blamed the company’s vaginal-mesh inserts for leaving her in constant pain, reports Bloomberg.

Attorneys at Dallas’ Simon Greenstone Panatier Bartlett Win 2 of Texas’ Top Verdicts for 2014

NEWS

Attorneys from Dallas-based Simon Greenstone Panatier Bartlett, PC won two of the largest verdicts in Texas last year, according to the publishers of VerdictSearch.

AZA Named 2015 Litigation Department of the Year by *Texas Lawyer* Newspaper

NEWS

Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C., or AZA, has earned selection as a Litigation Department of the Year for 2015 by the publishers of *Texas Lawyer* newspaper.

Transportation Expert on Rail Safety

White Paper

A transportation and traffic engineering expert has posted the first part of an examination of a broad range of safety issues involving rail activity.

Texas Court Rules Fractionalized Life Settlement Interests are

Investment Contract

NEWS

The Texas State Securities Board and some investors sued Life Partners Inc. and Life Partners Holdings Inc. in 2012.

Dallas’ Standly Hamilton Wins Top Texas Premises Liability Verdict In Past 10 Years

NEWS

Plaintiffs claimed that lax security contributed to two teenagers’ deaths after the two were beaten in a McDonald’s parking lot in College Station.

First Circuit Affirms Confirmation of Arbitration Award

White Paper

The agreements between the parties contained an honorable engagement provision, which directs the arbitrators to consider each agreement as an honorable engagement, not merely a legal one.

Can a Non-Signatory to a Contract Enforce an Arbitration Provision?

White Paper

Apart from comporting with common law principles of agency, the enforcement of an arbitration provision by a non-signatory agent conforms with traditional notions of justice and fair play

Court Upholds Masimo’s $468 Million Victory in Patent Suit Against Philips Units

NEWS

Masimo sued subsidiaries of Royal Philips, alleging the defendants had infringed patents for non-invasive technology that monitors oxygen in patients’ blood.

MasterCard, Target Data Breach Settlement Falls Apart

NEWS

MasterCard Inc. has reported that the proposed $19 million settlement with Target Corp. over the retailer's 2013 data breach fell through because not enough banks accepted the deal, Reuters reports.

Activision $275 million Shareholder Settlement Includes $72 Million for Lawyers

NEWS

The fee award for the small law firms works out to $9,500 an hour, according to court records.

$200 Million Settlement Approved for Fungal

Meningitis Victims

NEWS

A judge has approved a $200 million settlement for victims of a deadly fungal meningitis outbreak in 2012, reports Michigan Radio.

Transocean Reaches $212 Million Settlement Over Oil Spill Claims

NEWS

Transocean owned the Deepwater Horizon drilling rig, which sank after the April 20, 2010 blowout at BP’s Macondo well in the Gulf of Mexico.

The Importance of Contracts for Joint Infringement in Patent Cases

White Paper

It’s a good idea to obtain contracts early in discovery to determine the strength of positions, and practitioners drafting contracts should be mindful of potential joint infringement implications, writes Foley & Lardner.

Kentucky Hospital to Pay $41 Million in Unnecessary Surgeries

NEWS

The government’s lawsuit claimed the hospital billed for numerous unnecessary coronary stents and diagnostic catheterizations performed by its doctors.