Suit Against Lawyers of Mormon ‘Prophet’ Revived

News

Former members of the polygamous Fundamentalist Church of Jesus Christ of Latter-Day Saints have provided enough evidence of misdeeds by their old lawyers for parts of a lawsuit to proceed.

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.

Johnson & Johnson Acted as Opioid ‘Kingpin,’ Oklahoma Attorney General Says

News

The Oklahoma case is set to be the first in the nation to go before a jury that could determine pharmaceutical companies’ role in the nation’s opioid epidemic and whether Big Pharma should pay for it.

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.

Do Indemnity Obligations Cover First-Party Claims, Or Only Third-Party Claims?

Insight

The Supreme Court of Texas is considering whether to grant a petition for review to establish whether an indemnity provision covers only third-party claims, not first-party claims, unless the provision unequivocally states otherwise, writes D.C. Toedt III in the On Contracts blog.

Are Contractor Agreements Not Worth the Paper They're

Printed On?

Insight

A recent ruling in an Alabama federal court illustrates how having a valid independent contractor agreement is not necessarily an impenetrable magic shield automatically rendering misclassification claims null and void, according to Fisher Phillips' Gig Employer Blog.

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.

Lawsuit: Trump Family-Planning Rule 'Politicizes' Medicine

News

The new Department of Health and Human Services rule would prohibit family planning clinics funded by the federal Title X program from making abortion referrals.

California Attorney in Hot Water for Sexist Insult of Judge

News

A California attorney is in professional trouble for calling the ruling of the female judge in his case “succubustic,” among a host of other insults, according to Bloomberg Law.

‘Just What Was Needed’: Another Way to Waive a Right to Arbitrate

Insight

At least two New York State trial courts found that an unexcused default in responding to a summons and complaint can be deemed a waiver of a contractual right to arbitrate, according to Mintz, Levin.

Lead Lawyer in Roundup Trial Draws Quick Sanction for Opening Statement ‘Misconduct’

News

The plaintiff attorney intentionally violated court orders not to reference evidence blocked from the first part of the trial, the federal judge ruled.

Jury Finds Texas Football Players Liable in Sexual Assault of 14-Year-Old Girl, Awards $32 Million

News

A jury in Denton, Texas, has found two former high school football players liable in the aggravated sexual assault of a 14-year-old girl.

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.

Law Firm Sues Associate Who Quit After 1 Year

News

Above the Law reports on a law firm’s breach-of-contract

lawsuit against an associate who wants to leave the firm.

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.

Turbulence on Breach of Employment Agreement, Trade Secret Misappropriation

Insight

The Fourth Circuit found that the ex-employee had not breached the non-compete clause because his role at his new employer was not sufficiently similar to constitute a breach.