

# Some Play Checkers, Others Chess

We Stay One Move Ahead

## COMPLEX COMMERCIAL & BUSINESS LITIGATION OVERVIEW

BSP's complex commercial and business litigation team understands that no two business disputes are the same. We work with our clients to set in motion carefully tailored strategies aimed at meeting the specific needs of each case. Meanwhile, we also work to manage the process of litigation so as to reduce the cost, uncertainty, and distraction it causes, and help our clients make better-informed decisions along the way. At the end of the day, business disputes are business problems; and we deliver solutions, not just fights.

Our team is experienced in handling a wide variety of business disputes, in forums ranging from federal and state courts nationwide to public and private arbitration. We routinely represent clients in matters involving the following:

- Business Torts / Fraud
- Securities
- Mergers and Acquisitions
- Unfair Competition / Trade Secrets
- Contracts / UCC
- Broker-Dealer Issues
- Corporate Governance / Fiduciary Duty
- Construction and Leasing
- Intellectual Property
- Consumer Protection / Warranty

## COMPLEX COMMERCIAL & BUSINESS LITIGATION: CORE TEAM



**Roger P. Meyers**  
University of Michigan Law School  
*Clerkship:* U.S. Court of Appeals for the Sixth Circuit



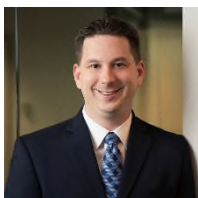
**Moheeb H. Murray**  
University of Michigan Law School  
OCBA Business Court & Counsel Committee Vice Chair and MI Muslim Bar Association VP



**Lena M. Gonzalez**  
Wayne State University Law School  
Treasurer of the Hispanic Bar Association of Michigan



**Justin B. Weiner**  
The University of Chicago, The Law School  
*Clerkships:* U.S. Court of Appeals for the Seventh Circuit & U.S. District Court for the Northern District of Illinois



**Derek J. Linkous**  
Northwestern University School of Law  
*Clerkships:* U.S. Court of Appeals for the Fifth Circuit & U.S. Court of Appeals for the Sixth Circuit

# COMPLEX COMMERCIAL & BUSINESS LITIGATION

## REPRESENTATIVE CLIENTS

- Accenture
- Morgan Stanley
- 123.Net
- Dialog Direct
- LenderLive
- Ford Motor Company
- Wells Fargo Advisors
- Guardian Industries
- Health Alliance Plan
- OmniSource Corporation
- CitiGroup
- Daimler Trucks North America
- PulteGroup
- Roush Industries
- FordDirect

## SELECTED CASE STUDIES

- **Securities / Business Torts:** Represented a private equity firm and its principals in a multi-year series of lawsuits alleging federal and state securities law claims, fraud, negligence, breach of fiduciary duty, and other claims arising out of an unsuccessful, high-risk investment opportunity. We successfully settled two of the matters early and at steep discounts. We resolved the third for pennies on the dollar after winning a trio of partially dispositive motions and with summary judgment pending on the remaining misrepresentation claims.
- **Contract / Business Torts:** In a complex dispute among owners of a reinsurance brokerage involving millions of dollars and numerous claims, including misappropriation of trade secrets, breach of contract, unfair trade practices, shareholder oppression, fraud, and business defamation, we successfully negotiated an early, creative resolution over a multi-day mediation that allowed the client to avoid extensive litigation costs and maintain a thriving business.
- **M&A / Intellectual Property:** Represented a prosthetics and medical equipment company in a multi-million dollar trademark and post-closing adjustment action arising out of the divestiture of a line of business. Our measured approach to discovery and early mediation resulted in a favorable settlement that minimized overall litigation expenses.
- **Partnership / Business Torts:** Represented a mid-market investment bank and its principals in a FINRA arbitration brought by a former managing director who alleged partnership, fraud, defamation, and other business-tort claims. After extensive discovery, shortly before the hearing, and with a sanctions motion pending, we forced the claimant to accept a walk-away.
- **Contract / Kickbacks:** Represented an engineering firm in a seven-figure contract dispute brought by a vendor alleging unjustified non-payment. We asserted numerous counterclaims and third-party claims, and eventually established that payment had been withheld to offset an extended scheme of overcharges and kickbacks by the vendor. The net result after settlement was an overall recovery in favor of our client, the defendant.
- **Corporate Governance:** Represented the CEO of a closely held financial-services company in shareholder oppression and fiduciary duty action brought by the heir to the founder. After obtaining summary judgment of most of the claims, we obtained a defense verdict on the remainder at trial, as well as case-evaluation sanctions. We then obtained complete affirmance on appeal.
- **Corporate Governance / Embezzlement:** Represented the CEO of a health-services company as plaintiff in a federal lawsuit for fraud, embezzlement, and breach of fiduciary duty. Through an aggressive non-party discovery strategy, we uncovered extensive evidence to support the claims and were able to extract a \$2 million settlement.

## COMPLEX COMMERCIAL & BUSINESS LITIGATION RESULTS

- Obtained rescission of a multi-million-dollar option agreement based on misrepresentation of the purchaser.
- Counsel for private acquirer of a multi-state fast food franchisor in the defense of a \$3.5 million action involving contractual and business tort claims.
- Enjoined suppliers from discontinuing the shipment of goods and threatening the shutdown of automobile assembly plants.
- Trial and appellate counsel for a high-tech manufacturing portfolio company in a \$4 million royalty dispute involving extensive electronic discovery issues and an accounting before a special master.
- Lead counsel for a mining company in \$25 million breach of lease action involving complex hydrogeology and geology issues.
- Counsel for major physician group in tortious-interference action involving complex peer review and HIPAA issues.
- Secured injunctive relief to enjoin the use of trade secrets and to enforce the terms of the restrictive covenants in employment agreements.
- Represented a Fortune 100 petroleum company against shareholder claims for declaratory and injunctive relief.
- Lead counsel for defendant racing corporation in shareholder action for oppression, breach of fiduciary duty, and books and records.
- Lead counsel for a major HMO in a series of contractual disputes with several physician groups.
- Represented a major marketing and business-services company in non-competition, confidentiality, and trade-secret misappropriation action against former executive team.
- Obtained favorable settlement after extensive forensic discovery on behalf of broker-dealer accused of raiding employees from competing firm.