

Commercial Litigation & Business Torts

Achieving business goals through sound litigation solutions



Our client-focused approach to business litigation includes

- understanding the client's business and business litigation objectives
- evaluating litigation costs versus benefits compared to alternatives
- assembling the right team to litigate the matter, with a preference for lean staffing
- developing and aggressively executing on an agreed strategy

Using our experience from the boardroom to the courtroom to benefit our clients

- Experience handling a wide variety of high-stakes litigation between and for large corporate entities, including securities litigation, software development disputes, patent infringement, purchase and sale agreements, insurance coverage, defective industrial machinery, franchise and dealer agreements, and professional liability, among others
- Serve as enterprise-wide electronic discovery counsel for clients with global operations, multi-claims including management of massive ESI identification, review, and production projects
- Large inventory of litigation management skills and experience
- Flexible, scalable, cost-effective teambuilding capabilities
- Work with clients on their political and publicity needs and develop strategies to minimize the impact of public scrutiny on client goodwill.
- Settlement counsel capacity, ADR practitioners
- Robust appellate practice

Our clients range from local businesses to global corporations over many industries

We have experience litigating the following types of business matters

Related Practice Areas

Appellate Practice & Legal Strategies

Asbestos

Aviation

Bankruptcy & Insolvency Related Litigation

Construction

Consumer Financial Services

Consumer Product Safety, Risk Prevention & Regulatory Compliance

Corporate & Securities

Directors & Officers Liability Coverage

Dispute Resolution

E-Discovery - Encompass

E-Discovery & Information Governance

False Advertising & Unfair Trade Practices

Franchise & Distribution - Litigation

Insurance

Intellectual Property Litigation

Motor Vehicle Manufacturers & Distributors

Multi-Claim & Class Action Litigation

Premises Liability

- Antitrust
- Motor vehicle distribution
- Business torts
- Class actions
- Commercial fraud
- Commercial financial services
- Consumer claims
- Contract disputes
- Corporate governance
- Director and officer liability
- Labor and employment
- Franchise
- Insurance
- Intellectual property
- Lender liability
- Professional liability
- Securities
- Software licensing
- Trade secrets

Nelson Mullins attorneys have the experience to address the litigation challenges facing your business

- Trial experience in state and federal courts throughout the country
- Appearances before administrative and regulatory entities
- Arbitration and mediation experience throughout the country
- State of the art e-discovery capabilities to lower costs and increase efficiency
- Extensive appellate practice

Our lawyers are problem solvers and problem preventers who assist our clients in making careful, timely, and informed decisions

- **Integrated approach to potential issues analysis** – providing a team approach and perspectives from Nelson Mullins attorneys in related practice areas such as securities, finance, corporate governance, government relations, real estate, bankruptcy, and corporate matters.
- **Expert witnesses and opinions** – identifying and hiring experts who give valuable advice and can serve as litigation witnesses.

Products Liability -
Consumer &
Mechanical

Products Liability -
Pharmaceuticals &
Medical Devices

Professional Liability

Qui Tam Litigation

Railroads

Securities &
Enforcement

Tax Lien Resolution &
Litigation

Toxic Torts

Related Industries

Banking & Financial
Services

Construction

Consumer Products &
Retail

Education

Energy & Utilities

Health Insurance

Healthcare

Hospitality & Tourism

Insurance

Manufacturing

Pharmaceuticals &
Medical Devices

Real Estate

Sports

Technology

Transportation

- **Developing Internal and external communications plans** with your executive management, board of directors, customers, and if necessary regulators or law enforcement.
- **Joint defense strategies** – providing strategic guidance to clients and co-counsel in joint defense to coordinate strategies and create efficiencies.
- **Litigation plans and budgets** – providing strategic litigation plans and budgets to help "right size" the pursuit or defense of matters
- **Litigation readiness** – guiding on measures to help ensure that you are prepared for litigation
- **Opposing expert strategies** – including investigating and examining opposing experts
- **Preventive measures** to help prevent litigation before it arises
- **Public relations strategy**, including timing, media approach, and content
- **Time-sensitive investigations** – conducting corporate investigations and assisting clients with conducting their own internal investigations
- **Witness depositions** – preparing witnesses for and defending depositions of corporate, executive and managerial witnesses and conducting depositions of adverse and non-party witnesses

Why Nelson Mullins?

- Decades of experience in prosecuting and defending sophisticated business lawsuits throughout the country
- Nationally recognized business trial attorneys
- Experienced mediators and arbitrators applying their experience when advocating for our clients
- Smart use of technology to improve efficiencies, leverage resources, and lower costs
- Sophisticated in-house e-discovery group that provides efficiency, responsiveness, and value
- Available billing alternatives that allow clients more certainty as to litigation costs

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Represented landlords, developers, landowners, and other commercial entities on a variety of real estate, contract, and lending issues, including environmental, construction, eminent domain, condominium, easement, and foreclosure controversies and letters of credit, factoring, and tax disputes
- Represented the acquiring entity under a merger agreement in a declaratory judgment action filed by one of the sellers seeking the release from escrow of shares of stock held as security for indemnity obligations. In October 2014, the New York federal court granted motion to dismiss the case based on the statute of limitations, and the Second Circuit affirmed in 2016

- Represented a national retailer in Massachusetts state court litigation seeking contractual and statutory indemnity and damages from the seller under a real estate purchase agreement and its officers and directors as a result of contamination found in the soil after the closing
- Represented a lender in pursuing receiverships in Massachusetts federal court in aid of state court foreclosure proceedings and a landowner in Massachusetts state court in resolving a long-standing easement dispute
- Defended a patients' rights blogger in Massachusetts federal court in a publicized defamation suit
- Represented two private schools in mediating and resolving construction disputes
- Represented a nationwide manufactured housing company in litigation concerning home setup and design
- Defending automobile title companies in repossession and bailment cases
- Represented lumber company in action against water treatment company regarding problems with the lumber company's boiler systems
- Represented finance company against insurance company in an action regarding financing of insurance premiums
- Represented a computer software company in a federal action related to theft of source code and trade secret material as well as infringement on copyrights, trademarks, and patents occurring in multiple states
- Represented the North Carolina General Assembly in successfully defending an action challenging the constitutionality of its Opportunity Scholarships Program
- Represented multiple companies on enforcement of non-competition, non-solicitation, and confidentiality provisions in employment contracts, obtaining injunctive relief barring former employees from competing in violation of contractual requirements
- Defended mental/behavioral health care provider against government regulatory agency claims of violation of patient safety regulations stemming from patient suicide
- Represented technology company in arbitration arising from dispute regarding implementation of enterprise-wide platform
- Defended global manufacturer in arbitration arising from contract dispute with key distributor
- Pursued claims by product manufacturer against component part supplier for recovery of past and future commercial losses of nearly \$1 billion arising from failed products, including defense of third party claims against Brazilian subsidiary alleging it was responsible for the losses
- Defense of appliance manufacturer in class action trial over alleged product defect causing loss in value to consumers ("no injury class")
- Defense of registered investment advisor against claims of fraud, breach of fiduciary duty, and lack of suitability with respect to investor purchase of multi-million dollar derivative investment product