



## Commercial Contracts Disputes

Contracts form the foundation of virtually every business enterprise, and many commercial litigation cases inevitably come down to the rights and obligations under contracts, which often include forum requirements or alternative dispute resolution procedures. The sophistication, size, and geographic reach of our practice allows us to offer an unsurpassed range of legal knowledge and experience in commercial contract disputes throughout the United States, we are intimately familiar with often complicated or confusing state and federal laws and with contracting practices and requirements in particular industries.

We make it our priority to understand and protect our clients' most important business interests in a focused and cost-effective manner, and wherever appropriate we seek to negotiate solutions to our clients' contractual disputes without unnecessary or expensive litigation. When litigation is the best course, we possess a stable of highly experienced trial lawyers, and we will ensure that your contractual rights are protected.

Our commercial contract disputes practice extends to many industries, including banking, finance, insurance, real estate, construction, technology, defense, pharmaceuticals, telecommunications, retail, government contracts and health care. Not only do we understand contract rights, but we have the substantive knowledge in these and many other industries that allows us to understand how basic contract rights apply to the peculiarities of a particular industry or contracting relationship.

### CAPABILITES

Commercial contracts litigation is best handled by lawyers who understand both the law and how it relates to your specific business and industry. Our areas of substantive experience and focus include:

- Banking
- Finance
- Insurance
- Real estate and construction
- Technology

### KEY CONTACTS

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- Commercial Contracts
- Construction and Engineering
- Construction and Engineering
- Corporate and Securities Litigation

- Government Contracting
- Healthcare
- Insurance

- Defense
- Pharmaceuticals
- Telecommunications
- Retail
- Government contracts
- Healthcare

## EXPERIENCE

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- Represented biotech and life sciences companies in litigation arising from M&A transactions and joint development disputes.
- Won an eight-figure monetary award for WorldCom and successfully defended claims seeking termination of a multi-year, multibillion-dollar contract after a two-week arbitration in New York
- Obtained dismissal of bad faith, breach of contract and consumer fraud act claims asserted by class against insurance carrier
- Represented medical device company in dispute with former distributors arising out of acquisition of competitor company. Resolved on terms favorable to client
- Represented publicly held technology company in a breach of contract arbitration against a large Japanese company relating to the development and sale of next-generation portable MP3 audio players for automobiles. Settled on favorable terms.
- Defended the founder of an IT services company against fraud and contractual misrepresentation claims brought by a private equity firm following recapitalization of the company. After one week trial, arbitrator rejected fraud claim outright and awarded less than three percent of the contractual damages claim
- Defended a publicly held IT services company against a contract claim for a transaction fee brought by an investment banking and consulting firm following the sale of the company's Asian subsidiaries. Obtained summary judgment and successfully defended judgment on appeal.
- Represented a distributor against a manufacturer of nationally known fitness equipment on trial of the unlawful termination of the distributorship
- Representation of national restaurant franchiser in trial in Connecticut involving allegations of breach of contract and fraud. Motion for judgment at conclusion of plaintiff's case granted
- Defense of non-profit relief organization with global operations against allegations it was bound by a letter of intent to purchase the plaintiff's commercial building, despite certain environmental hazards found on the property. After a two-week trial, the jury returned a verdict for the defendant on all claims
- Successfully represented an airplane company in a contract dispute that enforced client's rights to recover on a contract by which it sold trade claims to another company.
- Secured a trial victory in the New York County Supreme Court for a US subsidiary of a Spanish conglomerate concerning a procurement contract dispute. The contract is the largest commercial contract that a Spanish company has ever been awarded outside of Spain.
- Represented a Texas-based energy company, in an ad hoc arbitration in New York under the SMA Rules with a Belgian shipowner.
- Achieved a substantial victory for an investment firm for breach of a continuing guaranty concerning a US\$16 million development loan that was accelerated based upon material adverse change default.

## INSIGHTS

### Publications

## Text, blood and rock 'n' roll

27 DEC 2017

You are not a "free bird" – the duty to preserve text messages may extend to third parties.

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## When may a label say “gluten free”? Get ready to comply with FDA's final rule

9 SEP 2013

FRANCAST

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## NEWS

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### Angela Agrusa named to the *Los Angeles Business Journal's* 2022 Top 100 Lawyers list

17 May 2022

DLA Piper is pleased to announce that Angela Agrusa, managing partner of the firm's Los Angeles offices, was named to the *Los Angeles Business Journal's* 2022 Top 100 Lawyers list.

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