

# OUR PRACTICE

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## Litigation

**Handling difficult litigation matters requires a thorough knowledge of the relevant areas of law, and a complete understanding of our clients' businesses. Baker Donelson's litigation attorneys listen to our clients first, because we understand that companies have different business and legal objectives, ranging from righting a wrong to limiting financial exposure. We work with our clients to assess the issues and risks, and then provide effective solutions and sound advice for resolving disputes.**

Our commitment to understanding a client's business not only enables us to better address the matter at hand, but to look ahead to see how the case affects the future of the organization. When we know the business, we can anticipate the issues and help our clients make smarter decisions. Companies from virtually every industry rely on Baker Donelson for their litigation needs, from financial institutions, to manufacturers and retailers, to professional service companies.

Where appropriate, we create client service teams by marshalling the best talent, knowledge and experience from across our Firm. Many of our trial lawyers have developed in-depth business knowledge by concentrating their practices in specific industries. Such industry knowledge greatly increases our efficiency and effectiveness in resolving business disputes. We are committed to achieving the best results in a timely manner at minimum expense. This includes a willingness to devise alternative fee arrangements that will serve the clients' interests without compromising the quality of legal services.

We are proud to have among our ranks some of the most notable and outstanding trial lawyers in the southern United States – respected attorneys with substantial experience in major jury and non-jury cases, and trial lawyers who have established a national practice in their areas of concentration. They include attorneys named in *Best Lawyers in America*, *Chambers USA* and *Super Lawyers* since their 1983, 2003 and 2006 inception respectively. Our trial attorneys are licensed to practice in more than 20 states and have tried cases in 48 states. Others are licensed to practice before the U.S. Supreme Court and before multiple state and federal courts of appeal, and several have had experience as judicial clerks with state and federal trial courts or courts of appeal. In addition, many of Baker Donelson's trial attorneys are members of organizations dedicated to maintaining the highest standards of litigation practice, such as the American College of Trial Lawyers, DRI, the American Board of Trial Advocates and the International Association of Defense Counsel.

Our client-centered approach, along with our experience across industries, enables us to handle even the most complex kinds of litigation. It is our Firm's willingness to take difficult cases to trial, and our reputation for winning them, that places our clients in the best possible position with opposing parties in settlement negotiations or trial.

### Case Studies

- [Unanimous Jury Defense Verdict for Nursing Home in Medical Negligence Trial](#) - Medical Negligence Litigation
- [Unanimous Jury Defense Verdict in Premises Liability Trial](#) - Product Liability Litigation
- [Summary Judgment for Mortgage Provider](#) - Real Property Litigation
- [Bench Trial Victory for Contractor](#) - Construction Litigation
- [Verdict of More than \\$1 Million in Fee Dispute Case for Professional Services Firm](#) - Fee Dispute Litigation

- Trial Victory Secures Leverage in Negotiation with Opponents Involving a \$100 Million Portfolio of Assets - Bankruptcy Litigation
- Jury Trial Victory for Investor in Breach of Contract Litigation - Breach of Contract Litigation
- Successful Trial in Defense of Reverse Mortgage Business Model - Real Property Litigation
- Successfully Defended Energy Client in Breach of Contract Trial - Breach of Contract Litigation
- Minimal Damages in \$1.2 Billion Class Action Trial - Class Action Litigation
- Successful Casualty Trial in Defense of Motor Freight Trucking Company - Casualty Litigation
- Baker Donelson Helps Client Achieve Operational Excellence - Innovation
- Summary Judgment Victories for Choice Hotels International, Inc. - TVPRA Litigation
- Victory in Santa Fe: A Landmark Defense Against 911 Surcharge Claims - Telecommunications



## Representative Matters

- Successfully defended a client in an \$18 million lawsuit filed in federal court alleging violations of federal securities laws, state law fraud and intentional misrepresentation concerning the client's purchase of the plaintiffs' interest in a company formed after the Deepwater Horizon explosion in 2010 to employ unique centrifuge technology to separate oil from water to assist oil spill remediation efforts in the Gulf.
- Successfully defended a leading international bond insurer in a suit before the Western District of Louisiana against claims for fraud, conspiracy to defraud, unfair business practices, negligent misrepresentation and other intentional and non-intentional business torts seeking more than \$1.1 billion in damages based on allegations that the insurer, individually and in concert with various investors and other credit insurers, sought to force the plaintiff hospital system into a default on a series of conduit financing bonds used to develop integrated and stand-alone facilities within the plaintiff's system.
- Extensive experience in defending major automobile manufacturers against product defect claims, including defense verdict after five-week jury trial involving 18-year-old driver who was ejected from an SUV and rendered a paraplegic and defense verdict after two-week trial involving deaths of three children who were ejected from an SUV.
- Obtained dismissal of a \$10.5 million action against a piano string manufacturer that included purported causes of action under the Tennessee Public Protection Act and common law prohibition against retaliatory discharge and outrageous conduct.
- Represented an international building products manufacturer in the defense of thousands of class action claims associated with its allegedly defective Chinese-manufactured drywall. The multi-district litigation was assigned to the Eastern District of Louisiana, and involved complex issues regarding construction, product liability, and international law. After conducting several bellwether trials, a settlement was reached.
- Successfully settled multi-million dollar litigation suit for a local university against allegations of water intrusion in a dormitory.
- Obtained a "zero" jury verdict after a six-week jury trial in the 15th Judicial District Court for the Parish of Lafayette in a case involving a brain-damaged baby, valued by the plaintiffs to be worth between \$26 and \$40 million.
- Achieved a defense verdict in a nursing home negligence trial in which the plaintiff alleged that a nursing home allowed a resident's foot ulcer to deteriorate into a large, stage IV wound, requiring a leg amputation.
- Defended a global automobile and truck manufacturer with respect to a nationwide class action alleging defective brake assemblies on one of the manufacturer's truck lines. After we removed the case to federal court under the Class Action Fairness Act and filed a motion to dismiss under the Tennessee Consumer Protection Act and common law fraud, the plaintiffs filed a notice of voluntary dismissal.

- Obtained dismissal of 50-plus nationwide antitrust class actions filed against an LTL Commercial Motor Carrier. The plaintiffs alleged the client wrongfully conspired with other motor carriers in the industry to set surcharge rates.
- Counseled a major defense contractor on a disclosure to the government of billing irregularities and successfully avoided False Claims Act liability.
- Represented spinal screw manufacturer in mass tort litigation (more than 1,600 separate plaintiffs in 35 state and federal cases) involving claims of manufacturing defects and multiple FDA violations. Obtained 25 summary judgments, seven affirmances on appeal, ultimate dismissal of all claims and no judgment against the client.
- Represented a joint venture entity that constructed a \$900 million automobile manufacturing facility in the Southeast. Assisted in all phases of project including contract negotiations with owner, subcontractors, vendors, suppliers, and local, state and federal agencies.
- Successfully defeated a 45,000-individual collective action in a suit alleging that our client's business model of using independent contractors violated the law. After the court granted certification, we achieved a number of critical victories surrounding the notice process, the discovery process and the proposed class, resulting in less than 1,400 plaintiffs opting in to the case. We then argued for and used the information from the individual discovery process to seek dismissal with prejudice of the opt-in plaintiffs' claims. Plaintiffs approached about voluntary decertification, which was more favorable than an order from the court.