Hughes Hubbard & Reed

Litigation Wrap: First Quarter 2018

News & Events | Awards | Deals & Matters | People

Hughes Hubbard & Reed LLP • A New York Limited Liability Partnership
One Battery Park Plaza • New York, New York 10004-1482 • +1 (212) 837-6000

Attorney advertising. Readers are advised that prior results do not guarantee a similar outcome. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. For information regarding the selection process of awards, please visit https://www.hugheshubbard.com/legal-notices-methodologies.

April 19, 2018 - Please click to download the PDF version of the Litigation Wrap: First Quarter 2018

Arb. Victory Against Venezuela
On Feb. 19, Hughes Hubbard led a U.S. shipbuilder to a major arbitration victory against Venezuela's Defense Ministry when a tribunal awarded our client approximately $129 million in a contract dispute over the repair and refurbishment of two frigates owned by the Venezuelan navy. John Wood led the team, which included Eric Parnes.

EU Trademark Infringement Win
Paris partner Stefan Naumann obtained a resounding victory on Feb. 22 for medical device manufacturer C5 Medical Werks when the Paris Court of First Instance canceled rival CeramTec's three European Union trademarks covering the color pink and the shape of orthopedic implants, holding that CeramTec had acted in bad faith when it filed the trademarks. The decision paves the way for C5 to sell pink-colored hip implant components in Europe.

Securities Class Action Dismissed
Terence Healy and Sarah Cave obtained a complete dismissal on motion of a securities class action alleging financial fraud against the former chief financial officer of a global energy industry equipment and services provider. On Dec. 27, a Texas federal judge, adopting HHR's arguments, found that an alleged failure to follow subjective generally accepted accounting principles did not establish severe recklessness under the federal securities laws.

2nd Cir. Upholds Subordination
On Jan. 25, the Second Circuit affirmed a bankruptcy court's decision to reclassify Lehman claims for approximately $24 million in restricted stock awards. The court held that the awards should be subordinated to general creditor claims against the LBI estate "because the appellants assumed the reward and risk expectations of shareholders when they agreed to receive compensation in the form of RSUs." Jason Benton led the Lehman team and Karen Chau argued the appeal.

HHR Wins Debarment Release

In 2014, our client, a Chinese state-owned enterprise (SOE), was debarred from African Development Bank (AfDB)-funded projects for three years related to sanctionable practices. HHR was retained to assist the client in implementing a new compliance program and meeting its obligations under its settlement with the AfDB. With our assistance, the client obtained early conditional release from its debarment after two years, marking the first time a Chinese SOE was given early release from debarment by the AfDB. In Dec. 2017, our client was fully released from all conditions under the settlement agreement. Michael Silverman and
Michael DeBernardis led the team, which included Michael Huneke.

Breach of Contract Suit Win

Bill Maguire and Fara Tabatabai scored a big victory for Uranium Energy Corp. (UEC) on March 2 when U. S. District Judge Katherine Forrest agreed with their arguments that anti-dilution provisions in stock warrants for a company that UEC had acquired in 2011 were never triggered and that all rights were extinguished in the merger of the two companies. The judge granted HHR's motion for summary judgment and dismissed plaintiffs' claims.

Mellon Case Favorably Resolved

Ed Little and Jim Klaiber settled an SEC proceeding against banking heir Matthew T. Mellon II, which grew out of the SEC's investigation of shareholder fraud by the board of Medient Studios Inc. on which Mellon had previously served as a director. Mellon's case was settled with no admissions beyond failure to report the receipt of Medient stock in a timely fashion and only the SEC's minimum payment penalty.

IP Team Receives Multiple Awards

HHR's IP Group was named an "Intellectual Property Group of the Year" by Law 360. In a Jan. 26 profile, the publication highlighted HHR's unanimous Supreme Court win for TC Heartland against Kraft Foods, a decision which upended almost 30 years of practice and changed the patent litigation map. The Group also received multiple honors from Managing IP's 2018 Americas IP Awards on March 15 when HHR was named U.S. Appellate Firm of the Year and Jim Dabney was named Outstanding Appellate Practitioner and Outstanding Litigator: N.Y. category. Both Dabney and HHR were also recognized by The Benchmark Litigation 2018 US Awards on Feb. 15, with Dabney named IP Attorney of the Year.

Related People



Eric S. Parnes



Stefan Naumann



Terence Healy



Karen M. Chau



Michael R. Silverman



Michael A. DeBernardis



Michael H. Huneke



William R. Maguire



Fara Tabatabai



Edward J.M. Little



James R. Klaiber



James W. Dabney

Related Areas of Focus

Litigation
Securities Litigation
Patent, Trademark & Copyright Litigation
Arbitration
Corporate Reorganization & Bankruptcy
White Collar & Regulatory Defense