

Contract and Commercial Disputes

Eimer Stahl attorneys have extensive experience in successful high-stakes litigation in all types of commercial disputes, from fraud, to breach of contract, to unfair and deceptive trade practices, RICO, False Claims Act and other *qui tam* litigation, and state *parens patriae* suits, on behalf of the world's largest and most sophisticated clients. Our goal is to develop comprehensive, real-world strategies for obtaining the best results for our clients, while managing and mitigating risks and capitalizing on strategic opportunities. We have a broad record of success in resolving an array of business and commercial disputes, including the successful trial of such disputes, in federal and state trial and appellate courts across the country.

HIGHLIGHTED CASES

- Winning a motion to dismiss a \$22 million commercial fraud claim brought against the former owners of an over-the-counter pharmaceuticals company (*First Boston v. Chilmark Fund, et al.*)
- Representing a city in three consolidated actions brought by Chicago, Cook County and the Regional Transportation Authority alleging illegal diversion of sales tax revenue (*RTA v. Kankakee*)
- Representing an industrial gas company in a \$100 million lawsuit against a competitor for tortiously interfering with its right to purchase a distribution business, including defeating motions to dismiss and for summary judgment (*Praxair v. Airgas*)
- Defeating class certification in a case brought against an oil refiner by a gasoline marketer who claimed that an oil refiner set its prices to certain "disfavored" marketers in bad faith and in violation of UCC § 2-305 (*Stephenson v. CITGO*)
- Obtaining summary judgment in favor of a major corporation in a multi-count breach of contract action seeking \$530 million in damages (*Orion Refining v. UOP*)
- Representing a major insurer in a case brought by the State of Louisiana alleging violations of antitrust laws and winning a motion to dismiss that defeated the State's claims (*Louisiana Attorney General parens patriae litigation*)
- Representing a defendant corporation in a case involving cutting-edge issues of state authority to pursue deceptive trade practices claims (*Massachusetts Attorney General bid-rigging litigation*)

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- Defeating Medicare secondary payor *qui tam* litigation (*Medicare Secondary Payor Act Qui Tam Litigation*)
- Representing a chemical company in a contract dispute with a provider of automated payroll services to employees working outside of the United States (*Dow v. NorthgateArinso*)
- Obtaining dismissal with prejudice of a multi-million dollar breach of contract claim brought against an oil refiner by one of its largest gasoline distributors (*The Pantry v. CITGO*)
- Winning summary judgment for an oil refiner in an action to recoup substantial upfront incentive payments made to a franchised marketer who refused to honor its contractual commitments to purchase fuel and operate under the refiner's brand (*CITGO v. Ranger*)
- Obtaining a \$20 million judgment in favor of our client after an 8-day trial in a case involving complex contract law issues (*Continental v. SCI*)
- Acting as lead counsel for main defendant and as chair of a joint defense group in a series of six cases alleging antitrust law violations by insurers (*Body Shop Antitrust Litigation*)
- Defeating federal False Claims Act litigation challenging the design and marketing of medical devices (*Medical Device False Claims Act Litigation*)

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