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BUSINESS TORTS AND RICO

A Focus on Protecting Our Clients Under Time and Competitive Pressures

- We have decades of experience in both prosecuting and defending competitive tort cases under the full range of legal theories that appear in such cases
- We focus on understanding the time and competitive pressures that face our clients, and adapting our strategy to meet those challenges
- We also focus on ensuring that litigation decisions are made consistent with our clients’ long-term business objectives, rather than on a short-term, reactionary basis

With decades of experience both defending and prosecuting competitive tort cases, we have the knowledge to help companies protect their marketplace, intellectual property and other competitive interests against wrongful challenges and conduct by competitors.

Business torts often involve intense time pressures, strong emotions and high stakes. Managing these issues is the key to successful representation. Breach of fiduciary duty, misappropriation of trade secrets, deceptive trade practices, tortious interference with contractual relations or business opportunities, purchaser-seller suits, fraud cases, corporate pillaging, waste, embezzlement – Rogers & Hardin is serious about protecting its clients’ competitive positions.

FAST, EFFECTIVE REPRESENTATION

- **Client:** Former executives and employees of a large manufacturing company.
- **Issue:** Defense against the manufacturing company’s suit for damages and injunctive relief, intended to prevent our clients from starting a competing business.
- **Challenges:** The time pressure was intense and the stakes were high – the company had moved for expedited relief, and a loss may have dealt a fatal blow to our clients’ competitive edge.
- **Outcome:** In a matter of days, we brought our forensic computer skills to bear, marshaling evidence that our clients were fairly competing and that the company’s claims were not well-founded. The court denied the company’s motion for preliminary injunctive relief, a denial that led directly to a favorable settlement of the case.
- **Our approach and staffing:** In just a few days, we identified and collected the forensic computer data that caused the court to deny the company’s request for expedited injunctive relief. Notwithstanding the tight deadlines, this important defense was staffed with two



partners and two associates.

WORKING UNDER PRESSURE

One of the greatest challenges in business tort cases is the immediacy of the harm. A company that loses business opportunities, trade secrets, or its customers or clients quickly loses its competitive edge. That loss is suffered quickly – often in a matter of days or hours. Our approach to these cases emphasizes the speed and urgency demanded by such competitive situations. We know how to identify and capture necessary evidence at the outset, and we can package it and use it quickly – often on the same day a case is filed.

KEEPING COOL AND STAYING RATIONAL

Business tort litigation gets personalized and emotions often run high. Managing the rational evaluation of a case is as important as a sound litigation strategy. We see our role as providing sound advice and guidance to make sure that our clients' litigation decisions are consistent with their long term business objectives. We evaluate disputes not just as they relate to specific facts or legal theories, but as they relate to our clients' market position as a whole. We add value by not only being experienced litigators who deal effectively with the narrow objectives of the litigation, but by taking a larger view and effectuating the broader elements of our clients' strategic vision.