



## Corporate & Commercial Litigation

Clients from local firms to Fortune 50 enterprises utilize the comprehensive litigation services of Morris, Manning & Martin. Our Litigation practice has earned respect throughout the U.S. and abroad for skillful advocacy and dispute resolution. In every aspect of our practice, we endeavor to keep our clients one step ahead through our entrepreneurial litigation strategies and cost saving measures.

### Key Services

- Business torts, RICO & tortious interference
- Class action, products liability & mass torts
- Construction claims & disputes
- Corporate, securities & shareholder derivative actions
- Creditors' rights and bankruptcy
- Employment & labor
- Environmental negotiations & litigation
- Fraud & abuse claims
- General commercial matters
- Healthcare
- Insurance disputes
- Intellectual property & technology
- Mergers & acquisitions & post-acquisition disputes
- Officer & director liability
- Partnerships & joint ventures
- Real estate & general contracts
- Special investigations
- Toxic torts

### Comprehensive Counseling

Our litigators handle a full range of business-related disputes in a wide variety of industries and are veterans in virtually every area of the law that could impact our clients' daily activities. We handle everything from recurring matters, such as employment claims and breach of contract cases, to less frequent but potentially devastating class-action cases in such diverse areas as securities fraud and toxic torts. Some of our recent wins include an \$8 million dollar victory for a mechanical and manufacturing client, a successful defense of an attempted certification of a 40-state national class action alleging consumer fraud for a Fortune 50 retailer, and a dismissal through summary judgment of a dozen contract and tort claims for a leading developer and owner of shopping malls before the Georgia Supreme Court.

### Leading Litigators

Our team's diverse experience brings unique perspective to our clients. Members of our team include former U.S. Securities and Exchange Commission lawyers, associate and general counsel for *Fortune* 500 companies, and U.S. Attorneys. Our litigators have been recognized as leaders in their field by *Chambers USA: America's Leading Lawyers for Business*, *Super Lawyers*® and *Legal Elite*®, and *Who's Who in the World*, *Who's Who in America* and *Who's Who in American Law*.

### Class Action, Products Liability and Mass Torts

Our litigators serve as lead counsel, trial counsel, and national coordinating counsel for emerging companies and *Fortune* 500 companies involved in complex litigation involving products liability, mass torts, class action defense and insurance. Clients value our skill in coordinating similar cases in different jurisdictions to ensure a consistent, strategic defense approach, especially regarding issues such as discovery and document production. In many situations, the facts simply do not warrant a class action, and we work hard to present the reality of each situation before the courts, then argue for a fair and objective ruling. In representing a *Fortune* 500 forest products corporation being sued over a residential siding product, we not only defeated certification of a statewide Georgia class, but also obtained a grant of summary judgment in favor of the client that ended virtually all of the cases.

### Creditors' Rights and Bankruptcy

We provide practical, informed and efficient solutions that deliver the best available resolution to our clients. Our litigators counsel trustees and creditor committees on available options, creative solutions and complex legal

proceedings, and handle a broad range of bankruptcy litigation in state, federal and bankruptcy courts. Actions include plan confirmation issues, asset purchases, stay litigation, fraudulent transfer litigation, preference litigation and claim objections.

## **Employment**

We defend the full array of employment cases, including matters relating to compliance audits, corporate restructurings, executive compensation and restrictive covenants. Our lawyers have extensive experience involving discrimination claims of all types, and frequently conduct internal employment audits. While many of our cases are resolved before trial, our employment lawyers are also skilled trial lawyers who have litigated employment cases of every size and type.

## **Environmental and Construction**

Our lawyers work side-by-side with our clients to help identify issues or problems and minimize or expeditiously resolve disputes. Our team has successfully negotiated and litigated broad-based concerns, from cost recovery to insurance disputes. We lead the region in handling the burgeoning legal issues arising from mold claims, especially in the multi-family and Section 8 housing context. We deal on a daily basis with representatives of the EPA and have solved rehabilitation issues for hundreds of environmentally impacted properties, including Atlantic Station®, the largest brownfield redevelopment in the U.S.

## **Healthcare**

Our experienced litigators regularly represent clients in litigation in federal and state courts and in administrative proceedings. Our lawyers have represented clients in civil and criminal disputes involving allegations of fraud and abuse and false claims. In administrative matters, we regularly represent healthcare providers in certificate-of-need appeals; licensure investigations and disciplinary actions; credentialing matters; Medical staff investigations, adverse actions and hearings; and Medicare/Medicaid audits, investigations, and appeals.

## **Insurance**

We represent a broad array of insurers and reinsurers in complex litigation and arbitration matters, including coverage disputes, agent misconduct situations, product torts, RICO claims, reinsurance disputes and contested regulatory matters. Our real-world experience allows us to effectively and efficiently advise our clients in all aspects of insurance and reinsurance dispute resolutions. Members of our practice have extensive jury trial experience, as well as specialized insurance and reinsurance arbitration experience, and our lawyers have served as arbitrators and umpires in such disputes.

## **Intellectual Property**

Our lawyers represent clients in a full range of intellectual property disputes including patent, software and literary copyright and trademark infringement, and misappropriation of trade secrets. We have appeared as lead counsel in the courts of more than 35 states and U.S. territories, as well as Canada and Europe. With offices in Beijing, China, and Taipei, Taiwan, as well as close relationships with law firms in Brazil, Canada and the UK, Morris, Manning & Martin offers a worldwide legal view, global marketplace connections, and comprehensive counseling excellence to international intellectual property clients.

## **Special Investigations, Fraud & Abuse**

We provide relevant advice and counsel to business entities that may have been victimized by fraud, theft or other misconduct allegedly committed by employees or senior officials. In particular, we conduct sensitive inquiries on behalf of companies, boards of directors, audit committees or special committees convened to handle a problem. We have extensive experience conducting internal investigations and representing companies and individuals that are the subject of investigations, as well as handling regulatory inquiries that frequently accompany such allegations. Among our many investigations, we have addressed allegations of improper accounting practices, RICO violations, price fixing and market allocation, securities fraud, illegal takeover, portfolio mismanagement, and theft or misuse of intellectual property or trade secrets.