

Alternative Dispute Resolution: Descriptions of Arbitrations and Mediations

- ***Allen v. Beaver Music* (AAA – N.Y.):** We instituted this arbitration to recapture the copyright to one of our composer-client’s best-known songs. At issue was the construction of a form industry contract from the 1930s. We located the only living drafter of the agreement and, arguing before a panel of industry experts, were successful in recovering not only the copyright but also damages and attorney’s fees on behalf of our client.
- ***Finn v. Digital Mobil* (AAA – N.Y.):** Successfully prosecuted claims for severance payments and other benefits on behalf of corporate officers against their employer.
- ***Former CryoGen Shareholders v. American Medical Systems, Inc. (AMS)* (AAA – Chicago):** In this arbitration arising out of AMS’ acquisition of CryoGen, Inc. (CryoGen) pursuant to an agreement requiring AMS to utilize “commercially reasonable” efforts in exploiting CryoGen’s “Her Option” product during a three-year earn out period, we obtained a \$12.7 million award, including more than \$1 million in legal fees and costs, against AMS.
- ***Mallory Factor v. Kings Road Entertainment* (AAA – N.Y.):** Successfully defended production company against claims for agency commissions.
- ***Manna v. CSFB* (JAMS – N.Y.):** We represented an investment banker in an arbitration commenced against his employer for failure to compensate him in accordance with his employment agreement. We defeated a summary judgment motion brought by the financial institution and successfully settled the case without the need for a trial.
- ***Marvel Enterprises v. Universal Studios* (AAA – N.Y.):** In this arbitration, Marvel sought over \$50 million in damages from our client, Universal Studios, based upon Universal’s alleged breach of a contract pursuant to which it was obligated to include Marvel elements in a specified amount of marketing exposure relating to Universal’s two theme parks in Orlando, Fla. After 10 days of hearings and the introduction of hundreds of thousands of documents and other materials, including videotapes prepared especially for the hearings, the panel denied Marvel’s claims in their entirety.
- ***Mer v. CIBC Oppenheimer* (NASD – Fla.):** In this arbitration, an investor asserted fraud claims against and sought several million dollars in damages from an investment banking firm and a broker. We represented the broker and, during the course of an NASD mediation, managed to successfully settle all of the claims asserted against our client.
- ***Robocom UK Ltd. v. Robocom Systems International, Inc.* (UNCITRAL – London):** We represented a warehouse delivery system company in this arbitration brought against it by its European distributor. After two days of arbitration in London, the arbitrator dismissed all claims against our client and awarded it damages and costs on its counterclaims.

- ***3D Media v. Floorgraphics* (AAA – N.Y.):** This two-week breach of contract arbitration in which we represented the claimant in an advertising industry dispute led to an arbitration award in our client's favor in excess of \$2.8 million. The award was confirmed after motions in the U.S. District Court for the Southern District of New York.
- ***Tibbett & Britten Group v. Safeway* (JAMS – San Francisco):** In this arbitration, our client, Tibbett and Britten Group, formerly one of the world's largest providers of logistics services, sought \$25 million for services provided and expenses incurred in providing services to Safeway during a lengthy labor strike in several Western states. After a six-week trial during which we put on our client's case through the introduction of over 1,000 exhibits, a dozen witnesses and two key videotapes about the strike and the operation of the warehouse created especially for the case, the matter was successfully settled in our client's favor.
- ***Wachovia Capital Market, LLC v. Innovative Drug Delivery Systems Inc.* (AAA – N.Y.):** We defended the respondent in this arbitration in which Wachovia sought a \$750,000 fee, warrants and costs as a result of our client's successful completion of a private placement in which a third party acted as placement agent. We obtained the dismissal of all claims against our client.
- ***Whitman v. CIBC Oppenheimer* (NASD – N.Y.):** In this arbitration, an investor asserted fraud claims and sought \$10 million in damages from a brokerage house and broker. We represented the broker and, through a four-day cross examination of the investor, demonstrated that no fraud had occurred. All claims against the investment banking firm and the broker were dismissed.
- ***Young Talent v. Dante Smith a/k/a Mos Def* (AAA – N.Y.):** We successfully represented a personal manager in a management contract dispute against an actor who failed to pay commissions to the manager. We obtained an award for the full amount of damages sought and successfully defended against the artist's claims for breach against the manager.