



Business and Commercial Disputes

Stahl Cowen's litigators help regional, national, and international clients resolve a broad range of disputes involving securities, construction, real estate, stockholder derivative actions, unfair competition, trade secret, creditors' rights, workouts, contracts, fiduciary duty, and other matters that threaten their business opportunities and ongoing success.

We represent plaintiffs and defendants before federal and state courts, in trial, and on appeal. We guide them through mediation and arbitration, in a variety of forums that include the American Arbitration Association, the National Association of Securities Dealers (NASD), the New York Stock Exchange (NYSE), and others. We negotiate creative settlements and agreements that provide remedy and closure, because often the optimal result for our client is one that does not require a full trial. We help clients anticipate potential disputes and take steps to avoid the cost and risk of litigation altogether.

In all cases, our methodology is the same: work closely with our clients to develop a proactive strategy for resolving disputes in a way that best advances their business, financial, and strategic objectives. We staff our cases efficiently, communicate regularly to keep our clients up to date, and vigorously advocate for their interests, inside and outside of the courtroom.

Whenever possible, we help our clients prevent lawsuits – and surprises – in the first place by developing ongoing strategies for limiting unnecessary risks and preparing contingencies for unavoidable ones. We open up dialogues to resolve, rather than litigate, disputes so that our clients can move forward on productive business ventures, instead of being burdened by the past.

When lawsuits are unavoidable, we work with our clients to develop proactive strategies – rather than reactive responses – that identify effective paths to success. And we produce impressive results, including:

- Achieved complete victory after trial on behalf of a shareholder of an international Internet retailer in a claim filed by the company's other shareholder alleging oppression and breach of



fiduciary duty. Our client was awarded sole ownership of the company for a fraction of the shares' actual value.

- Successfully prosecuted a claim for breach of fiduciary duty and other causes related to improper use of company assets by the managing member of a limited liability company.
- Prevailed on a breach of contract and deceptive practices action on behalf of the nation's largest clearinghouse for charitably donated vehicles.
- Prevailed in contract dispute between our client, a property management/investment group, and its licensee. The licensee refused to pay rent on space leased from the property management group, claiming that the latter had breached the license contract by not building out the space to the licensee's specification. The court ruled in favor of our client, finding that there was no obligations to build-out the space under the contract, and the lawsuit was settled for the unpaid rent.
- Successfully obtained injunction in Federal District Court to enforce post-employment non-compete restrictions against a former sales agent of our technology company client.
- Defeated arbitration claim in Wisconsin brought by sales representative against manufacturer, settling the case for less than 10% of the original claim.
- Successfully prosecuted and defended statutory claims under various legislative schemes including the Illinois Consumer Fraud and Deceptive Business Practices, Illinois Uniform Fraudulent Transfer Act, Illinois Mortgage Foreclosure Law, Illinois Insurance Act, Illinois Property Tax Code, and Illinois Notary Public Act

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