

## DEL MONTE SETTLES SUIT OVER JUICE CO.'S TIES TO GROWER

Fresh Del Monte Produce Inc. agreed Thursday to drop its suit accusing a juice company of interfering with a contract with a pineapple grower, in exchange for an injunction and \$1 million. The grower, who was suing Del Monte for not buying pineapples from the grower. In a joint statement, the juice company and the grower agreed to end their dispute over a lawsuit filed in federal court in California.

## Meet the NLJ's 2017 Appellate Hot List

NLJ editors and reporters asked 20 of the country's top appellate lawyers for their practice tips and advice.

## Company Founded by Shkreli off the Hook in \$43 Million Lawsuit: Judge

Vyera Pharmaceuticals, formerly known as Turing Pharmaceuticals, does not have to pay Impax Laboratories Inc \$43 million in a dispute stemming from Turing founder Martin Shkreli's decision to raise the price of a drug Turing bought from Impax, a U.S. judge ruled on Friday. The ruling was a surprise, as the judge had previously ruled in favor of Impax, awarding it \$43 million in damages.

## CST Settlement Eases Approval Of Ch. 11 Bid Procedures

Attorneys for bankrupt storage tank maker CST Industries Holdings Inc. told a Delaware judge Tuesday that it had reached a settlement with its creditors, resolving most of the claims against the company. The settlement is expected to allow CST to emerge from Chapter 11 bankruptcy protection.



# Litigation Wrap

Fourth Quarter 2017

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## Hughes Hubbard & Reed

# 4Q2017 Developments

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## **HHR Leads Vyera to Victory**

On Sept. 29, Hughes Hubbard led Vyera Pharmaceuticals to a big win when a Manhattan federal judge ruled that Impax Laboratories Inc. could not collect \$43 million from Vyera, formerly known as Turing Pharmaceuticals, in its breach of contract case over Medicaid rebates assessed on the AIDS drug Daraprim. **Dan Weiner, Hagit Elul, Ken Katz** and **Fara Tabatabai** represented Vyera.

## **Lender Liability Action Won**

Hughes Hubbard helped CST Industries bring significant value to its creditors when a Delaware bankruptcy court judge approved settlement on Oct. 18 of an equitable subordination and lender liability action that CST brought against its unsecured creditor Oaktree Capital Management LP. **Katie Coleman** led the HHR team, which included **Chris Paparella, Meaghan Gragg** and **Chris Gartman**.

## **Dismissal of EEOC Charge**

**Ned Bassen** and **Jordan Pace** secured dismissal of a disability discrimination charge filed with the U.S. Equal Employment Opportunity Commission on Sept. 22, against Girls Educational & Mentoring Services, persuading the EEOC that there was no violation of the Americans with Disabilities Act.

## **Win for Med. Device Maker L&R**

On Sept. 22, **Jim Dabney, Stephen Rabinowitz** and **Jim Klaiber** scored a decisive victory for medical device maker Lohmann & Rauscher GmbH & Co. KG (L&R) when a Delaware district court issued a permanent injunction restraining Crawford Healthcare Inc. from importing, selling or using any wound-cleaning products that embody the inventions found in Debrisoft.

## **Dispute with Del Monte Resolved**

**Ruben Diaz, Nick Swerdloff** and **Aviva Wernick** led TicoFruit S.A. to a successful resolution of its dispute with Fresh Del Monte Produce Inc. over allegations that the Costa Rican juice company interfered with a contract between the fruit giant and one of its pineapple suppliers. On Oct. 27, Del Monte agreed to drop its suit, after U.S. District Judge Jose E. Martinez created new law by upholding HHR's expansive federal court removal theory for TicoFruit.

## **Win for SNF Holding Co.**

On Dec. 19, Jim Dabney led SNF Holding Co. and related companies to victory, when a federal district court in Texas, on remand from the Federal Circuit, granted the specialty chemical company's request to transfer venue of a patent case to the Southern District of Georgia. The Texas court

cited the U.S. Supreme Court's TC Heartland decision, which HHR won in May. BASF Corp. originally filed the suit alleging infringement of its process to prepare high molecular weight polymers. The case team includes **Stephen Rabinowitz, Patrice Jean, Khue Hoang, Richard Koehl** and **Jim Klaiber**.

## **Securities Fraud Suit Dismissed**

**Kevin Abikoff** and **Benjamin Britz** convinced the Delaware Superior Court to dismiss a securities fraud suit brought by an investor against Pioneer Natural Resources. On Oct. 24, the Court found that investor Matthew Mooney's complaint was insufficient because it did not adequately allege that Pioneer made or intended to make false statements or had knowledge of any false statements.

## **Contractor Fraud Probe Resolved**

On June 15, **Michael Silverman** and **Michael DeBernardis** helped a state-owned Chinese contractor negotiate a settlement with the African Development Bank that resolved fraud allegations on two AFDB-financed projects. The company faced a significant period of debarment if the allegations were substantiated. Under the settlement, it is subject to a three-

year conditional non-debarment that will allow it to continue to bid on Multilateral Development Bank-financed projects.

## **Trade Secret Suit Dismissed**

On Oct. 12, Hughes Hubbard secured dismissal of an intellectual property misappropriation suit brought by Medytox, South Korea's largest maker of anti-wrinkle botulinum toxin drugs, against a former employee. The suit also named Medytox's domestic rival, Daewoong Pharmaceuticals. **David Stern, Marc Weinstein, Carolin Sahimi** and **Jennifer Suh** worked on the matter.

## **HHR Named to Appellate Hot List**

Hughes Hubbard has been named to the National Law Journal's 2017 Appellate Hot List, which recognizes an elite group of lawyers and law firms that "posted hard-fought wins" at the U.S. Supreme Court or in federal circuit courts.

## **Dabney Among Law 360's MVPs**

**Jim Dabney** is among Law360's 2017 Intellectual Property MVPs. According to the publication, Dabney "persuaded the U.S. Supreme Court to put limits on where patent lawsuits can be filed ... and has changed the patent litigation map."