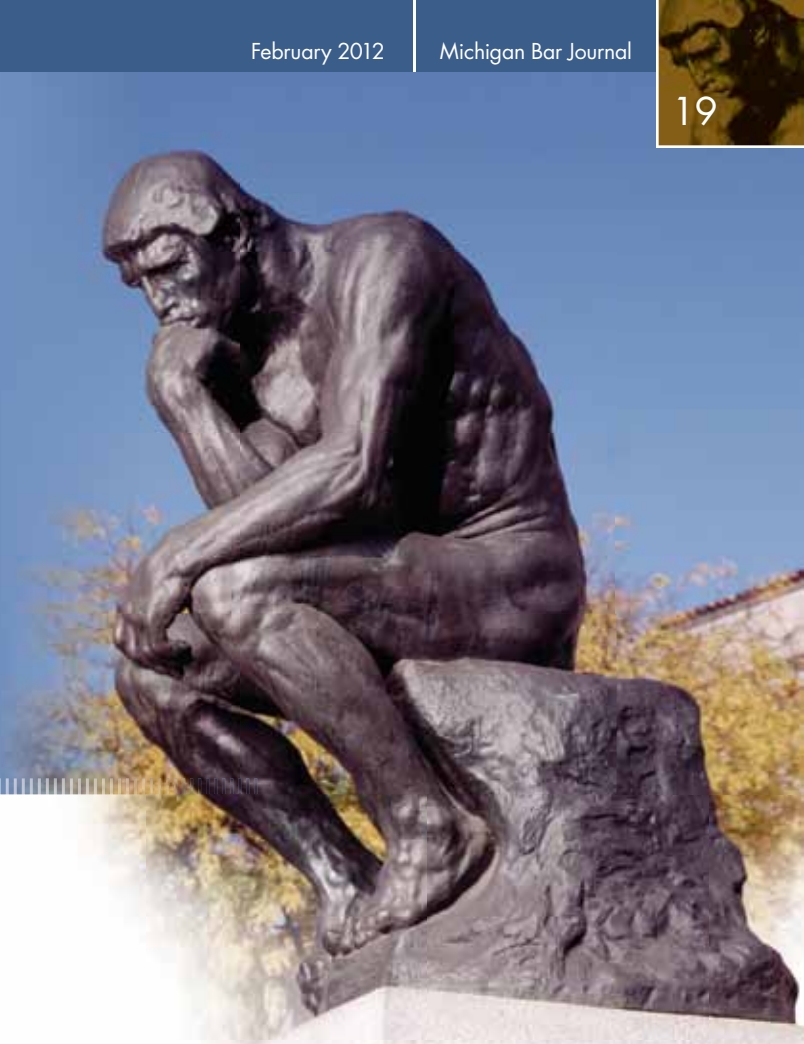


THEME INTRODUCTION

Business Litigation

By Gerard V. Mantese and Kathryn Regan Eisenstein



Business litigation is an intellectually challenging field of the law that involves a variety of claims including, among others, breach of contract, breach of fiduciary duty, usurpation, shareholder oppression, fraud, conversion, tortious interference with contract or business relationships, infringement of intellectual property rights, and unfair competition. The articles presented this month provide a snapshot of some of the current issues in business litigation.

“The Game of All Fours: Internet Commerce, the Rules” by Angela Jackson and Rick Juckniess looks at cutting-edge issues developing in Internet marketing. The unauthorized use of trademarks by businesses in Internet marketing is increasing, and the law is rapidly developing to address new uses.

“Shareholder and Corporate Oppression Actions: Fixing Liability Against Those in Control of Closely Held Corporations” by Gerard Mantese, Mark Rossman, and Ian Williamson reviews recent decisions in which courts have upheld claims by minority shareholders under MCL 450.1489. The authors discuss the range of conduct that courts have found to be actionable under the statute and examine remedies for oppressive conduct that the Court of Appeals has recently upheld.

“Through a Glass, Darkly: Back to Basics in Order to Eliminate Speculative Damages Claims in Commercial Litigation” by Daniel Quick argues for more rigorous screening of expert-witness testimony to avoid the back-door submission of questionable damages claims and proofs. Mr. Quick opines that basic principles already established in Michigan law should be applied to avoid unnecessary speculation and conjecture in damages claims.

“The Availability of Injunctive Relief in Commercial Disputes: Clarifying Michigan’s Preliminary-Injunction Standard” by Daniel Adams and Daniel Linna Jr. offers interesting insights on key questions associated with the application of the four-factor standard for injunctive relief. These open questions can create uncertainty, particularly in time-sensitive supply-chain litigation. ■



Gerard V. Mantese is the founding partner of Mantese Honigman Rossman and Williamson, P.C. in Troy (www.manteselaw.com). Mr. Mantese concentrates his practice in high-asset business and commercial disputes, including shareholder actions, obtaining some of the largest verdicts and settlements in Michigan each year. He has previously authored articles concerning fiduciary duties (86 Mich B J 5, May 2007) and minority oppression actions (84 Mich B J 8, August 2005) for the Michigan Bar Journal.



Kathryn Regan Eisenstein joined Mantese Honigman Rossman and Williamson, P.C. in 2011 with a background in tax and accounting. She graduated magna cum laude from the University of Detroit Mercy School of Law.