

# ITC SCRAPS DUTIES ON STEEL IMPORTS FROM 3 COUNTRIES

The U.S. International Trade Commission said Tuesday it has concluded that structural steel imports from Canada, China and Mexico are not hurting U.S. producers, effectively axing countermeasure duties up to 206.49% that Commerce teed up last month.

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# Walgreens Faces Claims It Kept \$35M From 'Pharma Bro' Co.

The Walgreen Co. must face a lawsuit by the pharmaceutical company founded by Martin Shkreli alleging the pharmacy cost it \$35 million after ignoring an agreement to cover the difference between the price it paid for the drug Daraprim before its infamous 4,000% price hike, a federal judge ruled.

# U.S. Pension Plan's Counterclaims Fail In \$2B Danish Tax Suit

A U.S. pension plan accused of taking part in a scheme to defraud Danish authorities of \$2.1 billion in tax refunds has lost its bid to make a New York federal court's decision in the case binding worldwide.

# Developer Can't Upend Award In \$1.2B Casino Fight

Bloomberry Resorts and Hotels Inc. has lost its bid to overturn a \$1.2 billion award finding it breached a contract with Las Vegas Sands Corp. in a dispute over its casino development in Macau, the court said.



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# 1Q2020 Developments

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## **Pivotal Victory for Denmark**

HHR won pivotal rulings for the government of Denmark in its efforts to recover \$2.1 billion stolen through an international tax fraud scheme involving U.S. pension plans. On Jan. 23, a New York federal court dismissed in two separate opinions counterclaims against SKAT, the Danish Tax Authority. One of the rulings effectively barred all similar counterclaims by other plans under the law of any state or foreign country. **Bill Maguire, Marc Weinstein** and **Neil Oxford** lead the team, which has filed over 180 suits in U.S. courts.

## **Arbitration Victory Upheld**

**Dan Weiner, Hagit Muriel Elul** and **Meaghan Gragg** prevailed on behalf of Global Gaming Asset Management when the Singapore High Court upheld a partial arbitration award on liability issued in 2016 to the Las Vegas-based casino operator in its dispute with a premier gaming resort owner in the Philippines. On Jan. 3, the Singapore court rejected Bloomberry Resorts' application to set aside the arbitral award on both procedural and substantive grounds, and denied Bloomberry's motion to oppose enforcement of the award.

The arbitration tribunal unanimously issued its final \$296 million damages award last September.

## **Critical ITC Ruling**

**Matt Nicely, Dean Pinkert** and **Dan Witkowski** obtained a critical ruling for the Mexican subsidiary of North American metals maker Cornerstone Building Brands in a dispute with U.S. steel producers over their allegations that certain imports of fabricated structural steel (FSS) are harming them. On Feb. 25, the U.S. International Trade Commission ruled that FSS imports from Mexico, Canada and China do not hurt U.S. manufacturers, thus invalidating the antidumping and countervailing duties calculated by the U.S. Department of Commerce.

## **Discrimination Case Dismissed**

**Ned Bassen** scored a victory for L-3 Communications and its then-subsubsidiary Vertex Aerospace when a New York federal court on Feb. 18 granted the sixth-largest global defense contractor's summary judgment motion to end an ex-employee's \$3 million employment racial discrimination case. The plaintiff, an African-American

distribution manager, worked in Afghanistan for Mississippi-based Vertex, then a part of Texas-based L-3 Integrated Systems, with L-3 Communications headquartered in New York. L-3 Communications is now L3Harris Technologies. The plaintiff's claims were dismissed in a 29-page decision for insufficient evidence.

## **Early Release for Client**

**Valerie Cahan** and **Marc Weinstein** won the release of a client who served over 26 years in prison after being convicted by a jury of selling crack cocaine. On Jan. 29, U.S. District Judge Loretta Preska found that John Bowman was eligible to be resentenced to time served under the First Step Act. That 2019 law allows judges to reduce sentences imposed prior to the Fair Sentencing Act of 2010, which relaxed mandatory minimum sentences for low-level drug offenses. Bowman was originally sentenced to life in prison. He was released on Feb. 10.

## **Vyera's Key Win**

**Dan Weiner** and **Fara Tabatabai** scored a key victory for Vyera Pharmaceuticals when a Chicago

federal judge upheld a \$35 million breach-of-contract lawsuit that Vyera filed last summer against Walgreens. On Jan. 28, U.S. District Judge Marvin Aspen ruled that Walgreens must face allegations that it breached a distribution agreement with Vyera by failing to make a contractually required payment known as a "shelf stock adjustment" for all inventory of the drug Daraprim that Walgreens held when the price increased.

## **Victory Upheld for Two NYC Cops**

Representing New York City and two former police officers in New York Appellate Division's Second Department, **Ken Katz** and **Dan Weiner** obtained affirmance of a summary judgment decision dismissing a \$10 million civil rights action. Plaintiff Mitchel Braxton claimed that defendants unlawfully arrested him in 2009, and maliciously prosecuted him. Katz argued the appeal last September, after Braxton appealed HHR's summary judgment. On Dec. 24, the Second Department unanimously affirmed, holding that defendants had probable cause for Braxton's arrest and prosecution.