



## Appeals Court Throws Out Debt Lawsuit by Litigation-Finance Outfit

New York's highest court upheld the dismissal of a \$300 million lawsuit against defunct German bank West LB under the ancient and seldom-used doctrine of champerty, or buying a lawsuit with the sole purpose of bringing a lawsuit. The decision sets a limit on how aggressive litigation finance arrangements to sh...

## Supreme Court to Hear Patent Case That Could Limit Venue Shopping

The U.S. Supreme Court on Wednesday agreed to take up a major issue that affects patent litigation against business. The court will hear a case about patent litigation venue. The court will decide whether a plaintiff can sue a defendant in a federal court in a state where the defendant has no contacts. The court will also decide whether a plaintiff can sue a defendant in a state where the defendant has contacts but the plaintiff does not.



**Litigation  
Wrap**  
Fourth Quarter 2016

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# Hughes Hubbard & Reed

# 4Q2016 Developments

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## **High Court to hear Patent Case**

On Dec. 14 the U.S. Supreme Court granted a writ of certiorari in *TC Heartland LLC v. Kraft Foods Group Brands*—a case that asks the Court to review whether the special patent venue statute exclusively controls where patent infringement suits are filed. **Jim Dabney** and **John Duffy** led Hughes Hubbard's efforts on behalf of our client TC Heartland.

## **Historic Win in NY's Highest Court**

We scored another historic victory for Portigon AG on Oct. 27 when New York's highest court affirmed dismissal of a fraud and mismanagement suit against our client on champerty grounds. It was the first time in more than 100 years that the Court of Appeals had found a transaction violated New York's champerty statute. Justinian Capital, an offshore litigation funder, brought the case as proxy for a German bank, claiming losses in connection with two special purpose vehicles. **Chris Paparella** argued the appeal and led the Hughes Hubbard team which included **Marc Weinstein** and **Andrea Engels**.

## **Nortel Resolves \$7.3 Billion Dispute**

Hughes Hubbard helped the European affiliates of Nortel Networks Corp.

reach an agreement on Oct. 12 with Nortel's former Canadian and U.S. subsidiaries on how to divide the \$7.3 billion raised in the bankruptcy liquidation. If courts in the U.S., Canada and Europe approve the deal in January 2017, it will close the door on any future litigation over Nortel's remaining assets. **Derek Adler**, **Bill Maguire** and **Neil Oxford** led the team.

## **Settled Claims in Doral Bankruptcy**

We represented the FDIC in the closure of Puerto Rico's Doral Bank and the negotiation of a comprehensive settlement with the bank's former parent company, Doral Financial Corp. That settlement resolved all claims among the entities and secured the dismissal of two federal litigations relating to those claims. **Gabrielle Glemann** led the bankruptcy litigation team with support from **Chris Kiplok** and **Scott Christensen**.

## **Victory for BNP Paribas**

**Marc Henry** won a victory for BNP Paribas when the Paris Court of Appeals dismissed a claim brought by French consumer group UFC that an earlier appeal filed by BNP Paribas over clauses contained in

its service agreements for new personal accounts was inadmissible. The Court dismissed UFC's claim and held that the bank's appeal was perfectly admissible on Oct. 3.

## **Lehman Team Wins Appeal**

In a win for Hughes Hubbard's Lehman team, the U.S. Court of Appeals for the Second Circuit affirmed two lower court decisions on Oct. 6, holding that a Financial Industry Regulatory Authority (FINRA) arbitration was inappropriate in a core bankruptcy proceeding that would affect the rights of tens of thousands of estate creditors. **Jim Fitzpatrick** argued the appeal.

## **Firm Wins Eviction Case**

On Nov. 1, we secured a critical victory for a pro bono client when the Court adopted the magistrate judge's report and recommendation granting summary judgment and finding that our client had the right to succeed the tenancy of his late wife, even though she had never added him to the lease as a public housing tenant. The case is the first in Florida to adopt and apply New York's line of cases on succession in the context of federally subsidized project-based housing. **Aviva Wernick**

led the Hughes Hubbard team and was nominated for the Florida Bar President's Pro Bono Service Award for her work on this matter.

## **Nine Litigators Recognized**

Nine Hughes Hubbard litigators were recognized by Benchmark Litigation 2017 as "stars" in their respective areas. They are **Robert Bell**, **Jim Dabney**, **John Fellas**, **Steve Hammond**, **Bill Kolasky**, **Ted Mayer**, **Robb Patryk**, **Stephen Rabinowitz** and **John Townsend**.

## **Firm Receives Legal Aid Awards**

Hughes Hubbard and its lawyers received the 2016 Pro Bono Publico Award for providing exceptional legal services to the Legal Aid Society and its clients. On Oct. 26, the firm and eight of its attorneys were honored at the Legal Aid Society's annual awards ceremony, which recognized their efforts in preserving affordable housing and the right to shelter, in securing exoneration of a wrongful conviction and obtaining tax relief.