

# New York Business Litigation

2016

DAVID R. MARRIOTT, EDITOR

New York City Journal

# New York Business Litigation 2016

**Jack Ewing**



## **New York Business Litigation 2016:**

New York Business Litigation 2016 David Marriott, 2015-11-30 New York Business Litigation edited by David R Marriott brings together 15 preeminent attorneys as chapter authors in this brand new New York deskbook published by the New York Law Journal Each chapter is authoritative in its treatment of both black letter law in the text and supporting case or statutory authority in footnotes Whether you are drafting pleadings drafting legal memoranda for motions or marshalling evidence for trial you will want to reference the collective expertise of these notable lawyer authors Chapters include Directors Officers Liability Partnership Liability Oppressed Minority Shareholders SEC Section 10 b and Rule 10b 5 Antitrust Restrictive Covenants RICO and OCCA Tortious Interference with Contract Business Fraud Unfair Competition Privacy Protections Employment Litigation LLCs Breach of Contract Trade Secrets The book is also issued in searchable e pub format viewable on a variety of tablets and contains links to cases statutes and other authoritative content **Managing 'Belt and**

**Road' Business Disputes** Michael Moser, Chiann Bao, 2021-04-07 This book is a follow up to the comprehensive Managing Business Disputes in Today's China Duelling with Dragons 2007 guide on foreign direct investment disputes that can arise in the course of initiating and operating a Chinese joint venture Since its inauguration by the Chinese government in 2013 the Belt and Road Initiative BRI has included projects in more than 70 countries spanning diverse economic and legal environments The nature of the BRI coupled with the economic downturn as a result of the COVID 19 pandemic will inevitably generate more challenges than ever Like its predecessor this book poses a hypothetical scenario in order to explore the potential issues that may arise from Chinese foreign business relationships in the BRI context After setting the scene with the Afrina Government's ill fated infrastructure project involving Chinese and foreign parties subsequent chapters provide comprehensive insight on and highlight the following issues that one must consider when dealing with BRI disputes dispute settlement options informal dispute settlement approaches disputes involving Chinese State Owned Enterprises construction and project finance disputes corruption and bribery sanctions environmental issues This book will provide extensive guidance from seasoned practitioners on the legal and practical issues of disputes that arise from engaging with Chinese companies doing business outside China in the context of BRI projects **The Murdoch Method** Irwin

Stelzer, 2018-05-01 After having worked with Rupert Murdoch for what the legendary newspaperman describes as thirty five years of great memories Irwin Stelzer is uniquely positioned to evaluate Murdoch's media empire through periods of rapid expansion and acquisitions times of financial and regulatory stress and political battles in Britain and America Stelzer helped plan important company conclaves and assisted with speeches at least one of which was responsible for having News Corp barred by the Chinese regime from doing business in that country Here are the philosophies on how Rupert approaches and values deals whether stalking the Wall Street Journal for decades before pouncing or over paying for everything from Fox Studios to NFL rights how he copes with regulatory constraints how he wins some and loses some must notably MySpace The

Murdoch Method is the sum total of the management techniques that grew out of Rupert's attitudes and conceptions taking him from a struggling newspaper in an out of the way town in Australia to running a globe dominating media enterprise

**Almanac of the Federal Judiciary** Aspen Publishers Editorial Staff,1995-12-31 The Almanac of the Federal Judiciary has built its considerable reputation by providing balanced responsible judicial profiles of every federal judge and all the key bankruptcy judges and magistrate judges profiles that include reliable inside information based on interviews with lawyers who have argued cases before the federal judiciary Containing valuable hard to find material on every federal trial judge and appellate judge in the nation this unique resource includes Each judge's academic and professional background experience on the bench noteworthy rulings and media coverage Candid revealing commentary by lawyers based on first hand experiences before their local federal judges Helpful tips for your litigating team in shaping case strategy Important insights into each judge's style demeanor knowledge and management of courtroom proceedings And continuing in depth research with semiannual updates The Almanac of the Federal Judiciary is divided into two volumes Volume 1 District Magistrates and Bankruptcy Judges Volume 2 Circuit Judges

**A Sociology of Justice in Russia** Marina Kurkchiyan,Agnieszka Kubal,2018-07-12 Offers a more complex and nuanced understanding of the Russian justice system than stereotypes and preconceptions lead us to believe

President John F. Kennedy & Marilyn Monroe's Son, in his own words John F. Kennedy,2021-02-08 Beloved President John F Kennedy had a son with Marilyn Monroe before he was forced to marry Jacqueline Bouvier in order to win the presidency Pushed to keep his identity a secret as an adolescent their son Jack tries to learn as much as he can from his father without letting on who his parents are to the public After two tragic deaths Jack must switch gears from being safe learning politics and meeting celebrities to mere survival in a world that does not know he exists and some of the few who do do not want to see him thrive This groundbreaking autobiography follows the life of Jack Kennedy Jr a child with his father's intelligence and his mother's charm Uncovering what life was like in the 1950s and 60s it will change the way you see these famous American Icons

**Climate Change Litigation in the Asia Pacific** Jolene Lin,Douglas A. Kysar,2020-10-29 This is the first scholarly examination of climate change litigation in the Asia Pacific region Bringing legal academics and lawyers from the Global South and Global North together this book provides rich insights into how litigation can galvanize climate action in countries including Pakistan Indonesia Malaysia and China Written in clear and accessible language the fourteen chapters in this book shed light on the important question of how litigation may unfold as a potential regulatory pathway towards decarbonization in the world's most populous region

**Dispute Resolution in China** Weixia Gu,2021-02-22 China's ever expanding commercial influence has attracted global attention on how its civil and commercial disputes are resolved This compelling new book Dispute Resolution in China offers a detailed examination of the elements in the Chinese legal system and the relevant reforms to the multiplicity of approaches to civil and commercial disputes in China today This book reveals how civil litigation commercial arbitration mediation and their hybrid dispute

resolution have distinctly responded to reformed and developed in the context of China's transformational economic growth societal development and international interaction in the last two decades. It situates these developments and continued experimentation within a unique hybrid of empirical contextual and comparative analytical framework while paving productive pathways towards the future. This book argues that rather than being a legal project, China's civil and commercial dispute resolution system is essentially a social development project which distinguishes the Chinese approach to civil justice reform from contemporary civil justice movements elsewhere. Among the primary methods of dispute resolution, commercial arbitration in China today uniquely transcending the traditional socio-political constraints, its reform has developed in favor of market-oriented considerations and shaped by China's socio-economic dynamics and internationalization needs. By contrast, civil litigation and mediation being more instrumentalist in nature, their reform is socio-politically embedded and continues to prioritize social stability. This book also shines a fresh light on comparative assessments of top-down and bottom-up changes in China's dispute resolution discourse as well as on how China speaks to international dispute resolution systems. Original and rich in its analysis, this book will be essential reading and invaluable reference tool for scholars with a focus on Chinese law, comparative and international dispute resolution and on broader legal, institutional, economic, social, political and cultural dimensions of dispute resolution development.

Transnational Commercial Disputes in an Age of Anti-Globalism and Pandemic Sundaresh Menon, Anselmo Reyes, 2023-01-12. In this book, senior judges and academics at the forefront of transnational commercial law in Asia, Australia, Europe, the US and elsewhere reflect on the implications of anti-globalism and the COVID-19 pandemic on international commercial dispute resolution (ICDR). The chapters consider: 1. What types of cross-border commercial disputes will arise in the future and what resources will be needed to respond to them in a cost-effective, time-efficient and equitable manner? 2. Is there still merit in a multilateral approach to transnational commercial law and ICDR despite the closing of borders, the rise of protectionism and the disruption of global supply chains? 3. What reforms and innovations should courts, arbitrators and mediators contemplate when navigating the post-pandemic landscape? 4. Can the accelerated use of remote technology in ICDR as prompted by the pandemic be leveraged to enhance access to justice for all? With a focus on the current crisis in globalism as well as the associated problems of ensuring justice and fairness in the resolution of cross-border commercial and investment state disputes along the Belt and Road and elsewhere, the book will be an invaluable resource for academics, judges and practitioners alike.

Mediation and Commercial Contract Law Maryam Salehijam, 2020-12-10. There is an urgent need to better understand the legal issues pertaining to alternative dispute resolution (ADR), particularly in relation to mediation clauses. Despite the promotion of mediation by dispute resolution providers, policy makers and judges, use of mediation remains low. In particular, problems arise when parties lack certainty regarding the legal effect of a mediation clause and the potential uncertainty regarding the binding nature of agreements to pursue mediation is problematic and threatens the growth of ADR. This book closely examines the importance and complexity

of mediation clauses in commercial contracts to remedy this persistent uncertainty Using comparative law methods and detailed empirical research it explores the creation of a comprehensive framework for the mediation clause Providing valuable insight into the process of ADR and mediation this book will be of interest to academics law makers law students in house council lawyers as well as parties interesting in drafting enforceable mediation clauses      **Third Party Funding** Gian Marco Solas,2019-09-26 In Third Party Funding Gian Marco Solas for the first time describes third party funding TPF as stand alone practice within the wider litigation and legal services markets The book reports on legal issues related to TPF in both common law and civil law jurisdictions and in the international context It then discusses the incentives and economics of TPF transactions in different legal contexts while explaining how the practice emerged and how it is likely to develop In addition the book offers practical insights into TPF transactions and analyzes a number of regulatory proposals that could affect its use and desirability This work should be read by scholars practitioners policymakers and anyone else interested in how TPF is changing the practice of law      Research Handbook on the Law of Artificial Intelligence Woodrow Barfield,Ugo Pagallo,2018-12-28 The field of artificial intelligence AI has made tremendous advances in the last two decades but as smart as AI is now it is getting smarter and becoming more autonomous This raises a host of challenges to current legal doctrine including whether AI algorithms should count as speech whether AI should be regulated under antitrust and criminal law statutes and whether AI should be considered as an agent under agency law or be held responsible for injuries under tort law This book contains chapters from US and international law scholars on the role of law in an age of increasingly smart AI addressing these and other issues that are critical to the evolution of the field      *Sovereignty* Cornel Zwierlein,Daniel Lee,2024-09-16 Was the emperor as sovereign allowed to seize the property of his subjects Was this treated differently in late medieval Roman law vis vis the theory and practice of zabt in Mughal India How did political sovereignty relate to the church s powers and to trade How about maritime sovereignty after Grotius How was the East India Company as a corporation interacting with an Indian Nawab How did the shogunate negotiate sovereignty in early modern Japan This volume addresses such questions through thoroughly researched historical case studies covering the disciplines of History Political Sciences and Law Contributors Nicholas Abbott Tiraana Bains Michael P Breen Sylvio Hermann De Franceschi Philippe Denis David Dyzenhaus Andrew Fitzmaurice Joshua Freed Kajo Kubala Daniel Lee Fabrice Micallef Kenneth Pennington Mark Ravina and Cornel Zwierlein      Law and Society Steven Barkan,2018-04-27 This multidisciplinary text draws on the work of anthropologists historians law professors political scientists psychologists and sociologists to outline how law is an essential social institution that shapes and is shaped by society This second edition of Law and Society incorporates the latest research with dozens of new references along with many up to date examples gleaned from newsworthy events Two new pedagogical features in each chapter will help students absorb information Learning Objectives that precede each chapter s discussion and Thinking about Law and Society questions that end each chapter and encourage students to think more deeply about

specific issues      Online Resolution of E-commerce Disputes Jie Zheng, 2020-10-03 This book discusses how technological innovations have affected the resolution of disputes arising from electronic commerce in the European Union UK and China Online dispute resolution ODR is a form of alternative dispute resolution in which information technology is used to establish a process that is more effective and conducive to resolving the specific types of dispute for which it was created This book focuses on out of court ODR and the resolution of disputes in the field of electronic commerce It explores the potential of ODR in this specific e commerce context and investigates whether the current use of ODR is in line with the principles of access to justice and procedural fairness Moreover it examines the major concerns surrounding the development of ODR e g the extent to which electronic ADR agreements are recognized by national courts in cross border e commerce transactions how procedural justice is ensured in ODR proceedings and whether ODR outcomes can be effectively enforced To this end the book assesses the current and potential role of ODR in resolving e commerce disputes identifies the legal framework for and legal barriers to the development of ODR and makes recommendations as to the direction in which practice and the current legal framework should evolve In closing the book draws on the latest legislation in the field of e commerce law and dispute resolution in order to make recommendations for future ODR design such as the EU Platform to Business Regulation on Promoting Fairness and Transparency for Business Users of Online Intermediation Services 2019 and the United Nations Convention on International Settlement Agreements Resulting from Mediation 2018 which provide the legal basis for ODR s future development      *The Silver Bullet Solution* James E. Gierach, 2023-11-21 What s been missing the past 30 years that prevented voters and leaders from hearing or acting upon the Gierach call and the Civil Society call for legalized controlled and regulated drugs and drug markets Why the public repulsion from the Silver Bullet Solution to the many tentacled drug prohibition monster Have you lost a child to fentanyl or heroin overdose Are you worried about losing a loved one to drug addiction or drug accident Is your neighborhood threatened by violent crime and gangs Is it safe for your child to get to school go to the park or play outside Do you live in a safe suburban neighborhood but yet feel like you need a firearm to be safe in your own home car or traveling on a big city expressway Do you believe the World War on Drugs 62 years old has been a dismal failure and ongoing drug seizures by the ton are evidence of that failure Regardless of color does it anger you that Blacks Latinos and poor Whites are sitting in American prisons for drug crimes at disparate rates Did you know that drug prohibition causes needless bullet holes and that bullet hole healthcare greatly contributes to an unaffordable healthcare system whether called Obamacare Trumpcare or Single Payer This book offers answers to these challenges and it broadcasts the idea that there is something YOU CAN DO about it You can help the new public opinion evolve      **Research Handbook on Modern Legal Realism** Shaubin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations Drawing on deep roots within the law and society tradition it demonstrates the

powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with an examination of how different social science disciplines intersect with NLR      **The Three Paths of Justice** Neil Andrews,2018-05-08 This revised second edition takes account of developments in the field of dispute resolution including mediation and arbitration The book presents a concise account of the English system of civil litigation covering court proceedings in England and Wales It is an original and important study of a system which is the historical root of the US litigation system The volume offers a comprehensive and properly balanced account of the entire range of dispute resolution techniques As the first revised book on this subject to be published in the USA it enables American lawyers to gain an overview of the main institutions of English Civil Procedure including mediation and arbitration It will render the English system of civil justice accessible to law students in the US practitioners of law professors judges and policy makers

**International Arbitration in the Energy Sector** Maxi Scherer,2018-02-22 Disputes in the energy and natural resources sector are at the heart of international arbitration With more arbitrations arising in the international energy sector than in any other sector it is not surprising that the highest valued awards in the history of arbitration come from energy related arbitrations Energy disputes often involve complex and controversial issues relating to security sovereignty and public welfare International Arbitration in the Energy Sector puts international energy disputes into a global context providing broad coverage of different forms and systems of dispute resolution across both renewable and non renewable sectors With contributions from leading arbitrators academics and industry experts from across the globe the twenty chapters in the book enable readers to compare the approaches to and learnings from energy arbitrations across various legal systems and geographic regions After outlining the international energy arbitration legal framework in Part I the text delves into a detailed analysis of the problems which regularly arise in practice These include among other things commercial disputes in Part II e g over the upstream oil sector and long term gas supply contracts investor state disputes in Part III e g under the Energy Charter Treaty and public international law disputes in Part IV e g concerning international boundaries and the distribution of natural resources Alongside recent developments in the international energy sector attention is given to climate and sustainable development disputes which raise important questions about enforcing sustainability objectives on individuals corporations and states Backed by analyses of arbitral awards national court and international tribunal decisions treaties and other international legal instruments as well as current events and news in the energy industry this text offers a unique contribution to international energy literature and provides insightful commentary on the prevalent issues in the field It is essential reading for any practitioner or researcher in the energy and natural resources sector

**Faster, Higher, Farther: How One of the World's Largest Automakers Committed a Massive and Stunning Fraud** Jack Ewing,2017-05-23 A rich history of a company whose cars for better and worse have touched



millions of lives a character study of a brilliant but deeply flawed leader and a case study in how a corporate culture can turn toxic Bethany McLean New York Times Book Review *Faster Higher Farther* chronicles a corporate scandal that rivals those at Enron and Lehman Brothers one that will cost Volkswagen more than 22 billion in fines and settlements Through meticulous reporting New York Times correspondent Jack Ewing documents why VW felt compelled to install defeat devices in diesel vehicles that unlawfully lowered CO2 levels during emissions testing and how the fraud was committed covered up and finally detected *Faster Higher Farther* is a briskly written account of unrivaled corporate greed Updated with the latest information and a new afterword by the author

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