Tucker Ellis LLP

Commercial Asset Recovery & Protection

Overview

In today's business climate, companies of all sizes are under increasing pressure to be leaner, more efficient, and more thoughtful in finding ways to protect their bottom lines. Likewise, in-house legal departments, which have traditionally functioned solely as cost centers, are now expected to go on the offensive and create revenue where it would otherwise be lost. Whether it is a supplier or vendor failing to meet its contractual obligations, a competitor engaging in unlawful acts to the company's detriment, or a new acquisition that is not what it was represented to be, the Tucker Ellis Commercial Asset Recovery & Protection Group can help your company recover lost value. We combine the creativity and out-of-the-box thinking of the best plaintiff lawyers with the sophistication and attention to detail of top-notch defense counsel, bringing our clients the best of both worlds in prosecuting complex commercial cases.

The Tucker Ellis approach to asset recovery is based on four basic ideas:

1. We make sure that our legal strategy in pursuing a recovery makes sense in the context of our client's broader business strategy. We work to preserve ongoing relationships, safeguard sensitive information, and achieve a result that advances both short and long-term business objectives.
2. We focus on creating an environment that encourages favorable resolution early in the dispute process, because we believe that litigation is often best used as a last resort.
3. When litigation proves necessary, we are well-versed in the ways in which defendants put pressure on corporate plaintiffs, so we take a proactive approach to nullifying those efforts. We employ strategies designed to streamline litigation, particularly discovery, which can be burdensome. As a result, we are often able to expedite a favorable resolution while minimizing any disruptions to our clients' businesses.
4. Finally, as firm believers in the merits of becoming true partners with our clients, we take on matters under a full range of alternative fee arrangements that require us to share in the risks of legal action. This flexibility allows us to pursue assets under the risk/benefit parameters that make the most sense for each individual client.

In addition to pursuing recoveries, the Tucker Ellis team also helps companies protect their assets by identifying and addressing business vulnerabilities. By performing functions such as analyzing and revising transactional documents and implementing internal systems for document creation and management, we help companies prevent losses, avoid disputes, and

be better prepared for litigation when it arises.

AREAS OF EMPHASIS

- Supplier, vendor, and customer contracts
- Business torts by competitors
- Professional malpractice
- Fraud or misrepresentations surrounding mergers and acquisitions
- Insurance subrogation

Experience

- Secured a $1.3-million verdict for a manufacturing client in an action against a steel scrap supplier for breach of contract
- Secured $5.5 million for a corporate joint venture partner, representing a full recovery of its capital investment
- Negotiated a $2.5-million pre-suit settlement with the previous owners of a client's newly acquired business unit relating to misrepresentations made about its financial condition
- Obtained a $3-million award in a warranty case involving defective parts
- Acted as co-counsel in a $30-million commercial contract arbitration involving the construction and performance of an oil and gas well and the alleged theft of confidential geological and seismic surveys
- Negotiated a favorable settlement for a client in a brand confusion counterclaim to a suit for breach of contract
- Negotiated a favorable settlement for a private client against an immigration law firm in a professional malpractice case for improper counsel
- Represented an international office equipment company in a complex commercial contract and trade secret dispute that resulted in full recovery of the company's damages, in excess of $500,000
- Obtained several multimillion-dollar verdicts in real estate fraud cases