

Client: International Law Firm on behalf of Defendant - Overseas Automobile OEM

Background

We were retained by a major U.S.-based international law firm to provide an expert report and testimony on behalf of its client, a rapidly growing foreign automaker (“OEM”). The client had been sued by its U.S. distributor for specific performance, breach of confidentiality, and uncompensated benefit as part of a joint venture effort. Our task was defined as to determine whether or not the distributor’s product plan and specifications were achievable and sound; whether or not third party reports and studies prepared for the distributor were realistic; whether or not the distributor’s information were deemed to be trade secrets; and whether or not the OEM derived value in terms of public relations benefit from the efforts of the distributor.

Services Provided

We provided a 100 page (legal format) expert report for submission after approximately four months of effort. This report incorporated our analysis, findings, conclusions and expert opinion based on documents provided by the law firm and from additional research done by us. Ms. Keller was required to provide expert testimony at an overseas location as part of this work.

Benefits to the Client

According to the attorneys involved with this case, our expert report and related testimony formed the basis for the hearing tribunal to absolve the defendant from this portion of the lawsuit. Based on the depth of our knowledge of the industry, we demonstrated that the product plans and specifications for the vehicles were not unique or confidential, that there was sufficient evidence to suggest that the distributor should have known that such vehicles could not have been executed within the constraints of the venture within contemplated timeframes, and that the distributor had knowledge (or should have known) that their plans were completely unrealistic. Last, there was nothing proprietary or confidential provided to the OEM by the distributor nor did the OEM receive any value from publicity efforts by the distributor.