

Practice Areas

Business Litigation

Bankruptcy
Business Torts
Class Actions
Commercial Lending and
Real Estate Disputes
Consumer Fraud
Contract, Warranty and UCC
Disputes
Environmental Litigation
ERISA and Employee
Benefits Litigation and
Compliance
ERISA Compliance,
Counseling, Investigations
and Class Litigation
Fiduciary and Professional
Liability
Gaming Law
Information Security and
Privacy Claims
Intellectual Property Disputes
Shareholder and Partnership
Disputes
Example Business Litigation
Cases

Business Competition, Fraud, Fiduciary Duty and Other Business Torts

At Nilan Johnson Lewis, we've successfully represented many businesses, owners, and key employees in the category of disputes known as business torts. Business torts include a wide range of claims that arise from business transactions, ownership, management, and competitive business conditions. Among the business torts are claims for fraud, misrepresentation, interference with contract, breach of fiduciary duty, and violation of non-compete agreements. Our work has involved both plaintiffs and defendants, cases in state and federal court, and a variety of types of businesses, including professional services, manufacturing, distribution, and retail. The claims may involve claims against directors, officers, and employees for their actions on behalf of a business. What's common to these cases is that we apply our years of litigation experience and skills to guide you or your business to an efficient and successful resolution. If you are facing business tort or competition claims, NJL will be strong and relentless advocates, always keeping in mind your business needs. We will keep you well-informed and advised along the way. If your dispute cannot be resolved short of litigation, our experienced trial attorneys will fight for you.

Your Individual and Business Objectives

We understand that business torts and competition claims, whether they are asserted or defended, often have a deep and lasting impact on your business finances, reputation, and relationships. As a result, we strive to serve our clients with swift, efficient representation by developing strategies and solutions that meet your business needs. As part of this, we are open to considering alternative fee agreements and budgets that fit with your business needs.

NJL's Offerings

NJL has extensive experience defending and prosecuting the following claims:

- breach of fiduciary duty
- non-compete agreements and disputes
- fraud and misrepresentation
- indemnification of officers and directors
- misappropriation of trade secrets
- interference with contract
- consumer fraud
- interference with economic relations
- conversion

Successes by NJL Attorneys

- Obtained a favorable settlement for clients in claims brought by a receiver for a Ponzi scheme that alleged aiding and abetting, fraud and sought over \$75 million in damages. The settlement came after the court's order granting summary judgment, which significantly narrowed the claims, and also dismissing a defendant for lack of personal jurisdiction. See *Finn v.*

Moyes, 2017 WL 1194192 (D. Minn. March 30, 2017).

- In multimillion dollar breach of royalty agreement dispute, successfully warded off plaintiff's repeated attempts to assert claims for fraud and fraud-based punitive damages.
- Obtained dismissal of declaratory judgment action brought in the Eastern District of Wisconsin on the grounds that it was an improper anticipatory action and then prevailed on summary judgment in the Northern District of Illinois on behalf of IT reseller against a former employee for breach of non-compete agreement.
- Represented a partner in a farming partnership and shareholder in a trucking corporation in a contentious dispute between the owners involving claims of breach of fiduciary duty. We obtained an injunction order requiring the managing partner to turn over financial information and freezing partnership assets. After a two-week trial, the court granted our client's claims for dissolution of the businesses and determined a valuation for the trucking business consistent with our client's case and expert opinion.