

NEWSLETTERS

Barnes & Thornburg LLP Commercial Litigation Update - February 2014

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Welcome to the February 2014 edition of the *Commercial Litigation Update*, an e-publication that features articles authored by the attorneys in Barnes & Thornburg LLP's Commercial Litigation practice group.

Noncompetes: Michigan Decision Highlights Strategy of Cease and Desist Letters

By *William A. Nolan*

When your former employee is violating a noncompete, should you immediately involve the new employer? Learn about a recent Michigan decision and the strategic decisions businesses need to make in this situation.

The Telephone Consumer Protection Law: Recent Changes and Greater Litigation Risk

By *Robert C. Folland*

Companies are becoming more and more aware of the Telephone Consumer Protection Act (TCPA) as it has become a serious litigation risk across a variety of industries. Companies are facing greater risk now under the TCPA. That's because consumers are increasingly reachable only via wireless devices, which are more heavily regulated under the TCPA, and "robocalls" are an easy way for companies to reach many people, virtually for free. Learn more about recent changes to the law that will increase that risk.

Rule 30(b)(6) Depositions: Who Speaks for the Company?

By *Robert G. Devetski and Eileen S. Pruitt*

When your company gets sued, the "discovery" process of exchanging evidence begins. One discovery method full of peril is the Rule 30(b)(6) deposition of the company itself. Learn more about the potential pitfalls in preparing witnesses to testify.

Old Wine into New Wineskins? Michigan Court Decides what Constitutes "Use" of Wine under the Conversion Statute

By *Timothy J. Abeska*

Under a Michigan statute, a person damaged as a result of property being converted to another person's "own use" may recover treble damages, attorneys' fees, and costs. In a recent case of first impression, the Michigan Court of Appeals addressed the meaning of "own use" in the

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context of the conversion statute. For parties asserting or defending conversion claims, the case is instructive.

Seventh Circuit Holds That a Trustee Had Constructive Notice of a Mortgage Under Illinois Law

By Alice J. Springer

A recent Seventh Circuit Court of Appeals decision examined a version of the Illinois mortgage recording statute to determine whether the requirements of the statute were permissive or mandatory. Learn more about what the court said and how it affects bankruptcy trustees.

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