

NEWSLETTERS

Barnes & Thornburg LLP's Commercial Litigation Update - January 2013

January 17, 2013

Welcome to the January 2013 edition of the *Commercial Litigation Update*, an e-publication created by the attorneys in Barnes and Thornburg LLP's Commercial Litigation Practice Group.

Indiana Court Applies Corporate Alter Ego Doctrine

By Timothy J. Abeska

The Indiana Court of Appeals recently invoked the corporate alter ego doctrine in a case involving two closely related companies where one company was held liable for the actions of the other. Read more about the case, *Konrad Motor and Welder Service, Inc. v. Magnetech Industrial Services*.

Avoiding Surprises: Planning for Oral Argument on Appeal

By Mark Crandley

Appellate practice runs on a predictable track. The losing party files a notice of appeal, the record is compiled and the parties file their briefs. These predictable events make planning and budgeting for an appeal a relatively straightforward task. The wildcard in this otherwise straightforward process is oral argument. Both clients and counsel should consider at least five steps to properly plan for oral argument.

U.S. Supreme Court Considers Heavy Class Action Caseload

By Alexander P. Orlowski

The Supreme Court is considering at least four cases that could have profound implications for the future of class actions. The cases the Court will consider address: (1) a corporate defendant's ability to remove a class action suit to federal court under the Class Action Fairness Act; (2) evidentiary burdens plaintiffs must meet at the class certification stage; (3) a defendant's ability to moot a class action by paying the named plaintiff's claim before the class can be certified; and (4) the ability to waive class action status in arbitrations under the Federal Arbitration Act.

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Barnes & Thornburg's commercial litigators advocate our clients' rights in a wide variety of areas at both the trial and appellate levels in state and federal courts throughout the United States. We also represent clients in alternative methods for resolution of disputes outside the courtroom, through negotiation, mediation, and arbitration. We provide nationwide coordination of litigation for several Fortune 500 clients and we advise

RELATED PEOPLE



Mark J. Crandley

Partner
Indianapolis

P 317-261-7924
F 317-231-7433
mark.crandley@btlaw.com



Alexander P. Orlowski

Partner
Indianapolis

P 317-231-7310
F 317-231-7433
aorlowski@btlaw.com

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clients with respect to litigation prevention, insurance, and claims-management systems.

For more information about the group, contact Bill McErlean or Mike Rosiello, Co-Chairs of the Commercial Litigation Practice Group, or any of the group's attorneys in the following offices: Atlanta (404-846-1693), Chicago (312-357-1313), Columbus (614-628-0096), Elkhart (574-293-0681), Fort Wayne (260-423-9440), Grand Rapids (616-742-3930), Indianapolis (317-236-1313), Los Angeles (310-284-3880), Minneapolis (612-333-2111), South Bend (574-233-1171), Washington, D.C. (202-289-1313).

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