

## NEWSLETTERS

### Barnes & Thornburg LLP Commercial Litigation Update - December 2015

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Welcome to the December 2015 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. To read an article from this month's edition of the *Commercial Litigation Update* e-newsletter, click on the hyperlinks in the article titles below.

#### Two Recent Arbitration Cases Address the Impact of Underlying Contract Provisions

By Timothy J. Abeska

Recent cases have addressed how agreeing to the rules of an arbitral forum can delegate arbitrability questions to the arbitrator, and that parties cannot contractually modify appellate rights. Read more about the importance of drafting arbitration provisions.

#### Seventh Circuit Provides Guidance on Creation of "Requirements Contracts" Under the UCC

By Mark J. Crandley

The Seventh Circuit has recently provided important guidance exploring the parameters of when a "requirements contract" comes into being under the Uniform Commercial Code (UCC). Learn why this is important for purchasers and suppliers.

#### Court Shuts Down Goodyear's Discovery Shell Game

By Bradley B. Falkof

Counsel for parties responding to discovery, whether they be in-house, outside or local counsel, must be vigilant in responding accurately and completely to discovery requests. Read more about *Haeger v. Goodyear Tire & Rubber Co.* and why the line between consequences for intentional misconduct and just plain sloppy discovery responses continues to narrow all the time.

#### Georgia Supreme Court Significantly Broadens the Duty to Preserve Evidence

By James J. Leonard

In the recent case, *Phillips v. Harmon*, the Georgia Supreme Court issued a unanimous decision expanding the scope of a potential litigant's duty to preserve evidence. Read more about this case and why commercial litigants should develop policies and procedures for when and what extent document and physical evidence retention is triggered.

#### Amidst the Commotion, Make Sure You Are Handling

## RELATED PEOPLE



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Commercial Litigation

## Noncompete Basics

By William A. Nolan

Amid unprecedented conversation about noncompetes, it is important to revisit the basics of noncompete drafting and enforcement. Learn more about noncompetes and the how this tool can protect your business resources.

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