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LITIGATION

- When a global technology company found itself in a post-M&A dispute involving its divestiture of a business unit and the buyer's subsequent refusal to make an earn-out payment, they turned to the team at Bast Amron to litigate on their behalf in Texas. As the case developed, the buyer filed a slew of counterclaims against our client, alleging everything from violation of a non-competition agreement to fraud. After contentious pre-trial litigation, including Bast Amron's dogged pursuit of wrongfully withheld discovery (and an award of $25,000 in sanctions, to boot), the case culminated in a three-week bifurcated jury trial. At the end of the trial, Bast Amron successfully obtained a directed verdict on one claim, a jury verdict in our client's favor on several others, the jury's outright rejection of the buyer's claims of fraud and breach of the non-competition agreement, and a judgment for millions in damages and attorneys' fees on behalf of our client.

- Bast Amron was hired as special litigation counsel to pursue claims against a fidelity bond. Our client was a successor fiduciary for a mega-million dollar probate estate involving over 100 entities and properties in Florida, Maryland, Pennsylvania, Delaware, and Michigan. The client was appointed by the Probate Court after it removed the Estate's former personal representative, finding that she had violated numerous orders of the Court and posed a danger to the Estate. The Probate Court tasked the client with accounting for the Estate's assets and liabilities, pursuing recoveries, paying creditors, and distributing the remainder to the Estate's beneficiaries. After performing the required accounting, our client learned that the Estate had little, if any, assets remaining but had outstanding creditor claims in excess of $50 million. We, on behalf of the client, investigated claims and filed a lawsuit in Miami-Dade County's Complex Business Division, to recover against the former personal representative's $23.1 million fidelity bond, alleging that she had breached her fiduciary duties to the Estate and its creditors. After nearly two years, at a final pretrial mediation, the client settled his claims against the bond company, with the bond company agreeing to pay $12 million for damages caused by the former personal representative's malfeasance and mismanagement of the Estate.
- Our client is a major gasoline retailer. After working with one of its vendors for years, the client brought suit against its vendor and the vendor's principal on a guaranty, to recover $4 million for gasoline the vendor had purchased but did not pay for. The defendants filed numerous affirmative defenses and a counterclaim against the client for $14 million. We successfully struck the defendants' counterclaim, and thereafter their defenses. We moved for summary judgment on liability as a result of the defendants' failure to answer requests for admissions. Final summary judgment was granted in the client's favor against the defendants for $4.3 million dollars.

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- Our client was a chapter 7 trustee who was tasked with liquidating a major retailer of specialty goods that up and closed overnight. A fulsome liquidation of the retail goods could not occur because they scattered across the country – in shuttered stores, on trucks and boats in transit, on docks, and with manufacturers – when the entire operation came to a sudden stop. We were retained as special litigation counsel to investigate whether claims existed against the company's officers and directors. Following an extensive document-intensive investigation, we discovered claims not only against the officers and directors but also against the debtor's major lender, a private equity firm. We negotiated a resolution of these claims in pre-suit mediation and were able to bring a significant recovery to the bankruptcy estate and its creditors.
- Our client was an insurance company. At the time they came to us, a multi-million dollar judgment had been entered against the company, and the owners felt they had no options left except to file bankruptcy and close their doors, which was a real tragedy because aside from this judgment, the company was poised to grow. We looked over their financial information and used it to structure a settlement of the judgment that allowed our client to avoid disruptive collection actions while remaining in business.

- Our client was an investment banker who came to us to file a personal bankruptcy after his former employer obtained a judgment against him related to a promissory note. Our client was fearful this judgment or bankruptcy would not only impact his current finances but his ability to work in his profession going forward. We were able to negotiate a settlement of the judgment that allowed our client to pay a lower amount over time, in amounts he could afford, while retaining his license and his business.