

## NEWSLETTERS

### Barnes & Thornburg LLP Commercial Litigation Update - March 2018

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Welcome to the March 2018 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 below.

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#### Don't Feel Pressured to Settle a Case That You Don't Want to Settle



Clients participating in a settlement conference or mediation often feel pressure to settle arising from fear that the presiding judge or arbitrator may not look favorably on the client. Read more about three core rights and protections relative to the settlement process.

By [Matthew B. Barr](#)

#### Double Whammy: Failure to Preserve Electronically Stored Information Creates Liability Under Federal Rule of Civil Procedure and Common Law Negligent Spoliation



The ability of a litigant to assert both a violation of Rule 37(e) and common law negligent spoliation creates a scenario in which the party seeking relief may use one tool to prove violation of the other. This article examines a recent case where Barnes & Thornburg attorneys succeeded in their strategy to use both during their representation in Williams v. Law et al.

By [Denise Lazar](#) and [Laura Luisi](#)

#### Pre-Enactment Conduct Does Not Bar Relief Under Federal Defend Trade Secrets Act for Continuing Acts of Misappropriation



State law largely governed trade secret misappropriation prior to the enactment of the federal Defend Trade Secrets Act (DTSA). Filing in federal court has advantages, but DTSA appears to provide a cause of action only for misappropriation occurring on or after the May 11, 2016, enactment date. However, all is not lost! Read more about the

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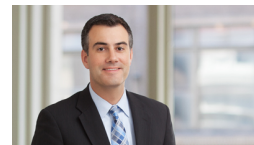
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growing trend in federal court to allow claims to proceed, if the disclosure or use of a trade secret continued after enactment.

By [Christine Skoczylas](#)