

NEWSLETTERS

Barnes & Thornburg LLP Commercial Litigation Update - October 2017

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Welcome to the October 2017 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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Daubert Challenge Resolves Coverage Dispute on Summary Judgment

While Daubert challenges are common in commercial disputes, it is not often that you see a Daubert challenge resolve an entire insurance coverage dispute – let alone at the summary judgment phase. [This article](#) uses *Varlen Corporation v. Liberty Mutual Insurance Company* to examine how parties to a coverage case should not assume that expert issues are for trial purposes only, since this case – and its summary judgment result – has now shown otherwise in a situation where no other proof besides expert testimony is offered.

U.S. Supreme Court Limits Where a Defendant Can be Sued

Can a company be sued in any of the 94 U.S. District Courts or in any of the hundreds of state trial courts? This question often puzzles and worries U.S. companies and non-U.S. companies with American subsidiaries. [Read more about a recent U.S. Supreme Court decision](#) that helped answer the question and significantly limited the places where a company can be sued in any given case.

Who's Reading Your Emails? And Can They Be Used Against You in a Court of Law?

Many employees, even high ranking ones, use their work email for personal purposes. [Read about two recent cases](#) that both offer lessons to be learned when it comes to employees using work email accounts and the importance of employers having clear, consistent policies which limit personal use and privacy expectations for business systems.

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The Law of Covenants Not to Compete in 6 Easy Steps (And a New Case for Each)

While case law and statutory developments about noncompete agreements are often in our news feeds, the basic principles do not change materially from year to year. However, new cases frequently arise and remind us that while the basic concepts are pretty straightforward, keeping up with the finer points are not always. [This article examines](#) six pieces of noncompete law and a new case illustrating each.

No Points for Creativity: High Court Blocks Plaintiffs' Attempt to Finagle Appealable 'Final Decision'

The U.S. Supreme Court recently held in *Microsoft Corp. v. Baker* that putative class-action plaintiffs could not immediately appeal the denial of class certification despite their attempt to manufacture a "final decision" by voluntarily dismissing their claims with prejudice. [Learn more about why the decision](#) in *Baker* leaves plaintiffs facing class-certification denial without a silver procedural bullet.



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