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Yankwitt LLP Obtains Defense Verdict in Contract Dispute Seeking $43 Million in Damages

Situation

Triboro Quilt Manufacturing Corp., a prominent family-owned Westchester textile manufacturer, was sued in the United States District Court for the Southern District of by its licensor Luve LLC for $43 million in damages. Luve alleged Triboro had materially breached an exclusive licensing agreement to manufacture a patent-pending bath blanket and misappropriated various other product ideas allegedly conceived by Luve. Triboro was represented through summary judgment by an accomplished, New York intellectual property firm, but when the case appeared to be headed to a jury trial, the firm retained Yankwitt LLP, because of our reputation as smart, aggressive trial attorneys with a high success rate.

Approach

As former federal prosecutors and experienced litigators, we are always ready to go to trial and happy to step in to assist as trial counsel. With Triboro, that meant quickly getting up to speed on the critical documents and deposition testimony so we could prepare for trial, while simultaneously dealing with a difficult opposing counsel who engaged in serial motions practice and letter writing campaigns. To effectively tackle the case, we set up a three-member trial team led by Managing Partner Russell Yankwitt, a former federal prosecutor, and two senior counsel – one focused on trial prep and the other on brief writing. At Yankwitt LLP, we believe that successful litigation is about the winning theme; simple concepts that resonate with the judge or jury encourage a result in our clients' favor. In this case, the evidence showed that Triboro may have breached its contract with Luve in minor, immaterial ways, but overall, Triboro had been a good business partner. Instead of trying to litigate around the minor issues, we decided to approach them head on – admitting the immaterial hiccups while emphasizing that Triboro had honored its commitments to Luve and compensated Luve above and beyond what the contract required.

Armed with a winning theme, we meticulously prepared for trial; out preparing our adversaries has always been a key to our trial success. We spent days preparing our witnesses to testify and developing effective cross examinations for Luve's witnesses. We reviewed the documents repeatedly to ensure we had all the facts at our fingertips – preparation that paid off in spades. During closing statements, we realized that opposing counsel had tried to manufacture evidence by combining several documents. When we disclosed this observation, the trial judge allowed us additional time to prepare a second closing statement – an unprecedented allowance — which we used to reinforce our trial strategy of demonstrating to the jury that Triboro was a good business partner.

Result

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Following the two-week trial and after several hours of deliberation, the jury found in favor of Triboro on all counts and rejected Luve's claim for millions of dollars in damages. Luve made several appeal attempts, all of which we successfully defeated, resulting in a complete victory for our client.