

Practices

Related Practices

Professional Liability Litigation
Alternative Dispute Resolution, US
Domestic Arbitration, and Mediation
Business Divorce – Shareholder &
Partnership Disputes
Complex Commercial Litigation
Corporate Asset Affirmative Recovery
Practice
Fiduciary Litigation
High Stakes Litigation
Intellectual Property
International Dispute Resolution
Labor and Employment

Related Sectors

Energy and Natural Resources
Healthcare & Life Sciences
Real Estate

Breach of Contract

Diamond McCarthy's Breach of Contract Litigation team has an impressive track record of achieving positive outcomes in disputes involving all types of business agreements and transactions across multiple industries. Our team combines creativity, strong investigation skills and a diverse range of commercial litigation tools to resolve contract disputes as effectively and cost-efficiently as possible.

Breadth and Depth of Experience

We have significant experience serving as lead counsel before trial and appellate courts throughout the U.S. and collaborating with foreign counsel when clients are involved in disputes abroad. Our team handles litigation covering a broad range of contracts, complex transactions and other business relationships, including:

- Sales of Companies or Business Assets
- Loan Agreements, Guarantees and Other Debt Obligations
- Sales of Stock or Equity, and Merger Agreements
- Partnership, LLC and Shareholder Agreements
- Professional Service Agreements
- Software License or Service Agreements
- Patent and Other IP Licensing Agreements
- Healthcare Management and Service Contracts
- Sales of Real Property and Fixtures, and Related Brokerage Disputes
- Executive Compensation and Non-Competition Agreements

Our Investigation Skills and Creative Solutions

Over many years of handling these challenging cases, we have developed excellent capabilities in deconstructing complex business arrangement and transactions, and using a variety of creative litigation tools to achieve effective recoveries for our clients.

Rather than taking a case at face value, we dig deeper to understand the parties' complex relationship and uncover additional facts and liability issues that will impact the outcome. This approach allows our team to brainstorm creative ways to achieve clients' goals, such as pursuing

non-contractual claims to obtain a better recovery or asserting stronger defenses to mitigate damages or sidestep liability altogether.

Representative Experience

Airline – Cross-Border Dispute

- Acted as lead counsel for a Mexican Corporation in the travel and airline sector against Transat Airlines and Travel (now a part of Air Canada following a 2019 merger/acquisition) in connection with a multi-million dollar cross-border litigation proceedings involving the U.S., Mexico and Canada. The case went to jury trial in NYC involving cross-border litigation claims for breach of contract, unfair competition and other claims under NY and Mexican law.

Beauty and Cosmetics

- Acted on behalf of a beauty products start-up in a “bet-the-company” patent infringement, trade secret misappropriation, and breach contract case against a fortune 500 consumer products company. The client’s product is a revolutionary hair-care chemical additive. Diamond McCarthy’s work led to a sizable jury trial verdict. Diamond McCarthy also was lead counsel on five post grant review proceeding in the patent office.

Energy Infrastructure Project

- Acted on behalf of a major oil and gas company based in Texas on a recently completed a cross-border litigation in the U.S., Trinidad and Tobago, the British Virgin Islands, and the United Kingdom. This matter involved bringing liquidation proceedings in both Trinidad and Tobago, the BVI, and the United Kingdom against various defendants in connection with the of a \$38 million dollar judgment issued by a Texas court. We also brought international enforcement proceedings in Texas and New York in connection with post-judgment enforcement proceedings under 28 U.S.C. Section 1782. We served as both lead counsel and/or coordinating counsel in all of the litigations in the various jurisdictions.

Finance – Bankruptcy Litigation & Professional Malpractice

- Acted on behalf of the post-confirmation litigation trust arising from the Dallas bankruptcy of MCG Capital Corp. This multi-party litigation involved claims for fraudulent transfers, violations of state securities laws, breach of contract and fraud against financial institutions, accountants and other professionals/advisors resulting in eight figure recoveries that compensated our client for virtually one hundred percent of its damages/losses. The claims against financial institutions involved some of the largest banks in Dallas, Texas. Opposing counsel in this case included many of the largest and well-known law firms in Dallas.

Media and Entertainment

- Acted on behalf of a renowned entertainer’s family trust in copyright dispute and breach of contract matters involving historic television shows

High Tech and Enterprise Software

- Acted on behalf of a marketing technology company, in connection with software implementation, Breach of license, and breach of contract issues in a jury in Texas state court, against a global cosmetics company with annual revenues more than \$3 billion. Favorable results were achieved.

High Tech and Cryptocurrency Platform

- Acted on behalf of a software company that owns patented search technology and asserted claims for a breach of a license agreement and an agreement to implement a search function for a cryptocurrency trading terminal.

High Tech and Cloud Computing Software

- Acted on behalf of a cloud computing company in a multimillion-dollar breach of contract litigation in Texas related to its software implementation for various ERP and CRM modules for 4,000 plus Radio Shack stores across the United States.

Life Sciences and Healthcare

- Acting on behalf of a life science company in a breach of contract lawsuit against two companies including a global Fortune 500 pharmaceutical company for improper termination of a patent license agreement, unjust enrichment and other commercial litigation claims. The technology relates to the modification of NK92 cell lines, and the legal claims represent sizable damages. Lead by the Diamond McCarthy Intellectual Property team/
- Acting on behalf of aa biotech company in state court for declaratory judgment related to alleged breach of a patent license agreement.

Manufacturing and Supply chain

- Acted on behalf of a national distributor of automotive parts with more than 4,700 stores and 2,500 certified service centers across North America in connection with breach of contract, licensing, and trademark infringement claims against one of the largest global suppliers of industrial and other maintenance products through direct marketing channels.

For more information on our representative experience please reach out to our initial contacts or email michael.evian@diamondmccarthy.com.