

## CONTRACT LITIGATION

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Contracts are the life's blood of the business world. They can be a source of agreement, but oftentimes result in disagreement concerning, for example, the parties' intent, the meaning of contract terms, or a party's required performance. We are vastly experienced in prosecuting and defending breach of contract claims on behalf of our clients in different forums including state court, federal court and arbitration. We are here to protect your interests when disputes arise concerning your contracts.

## RECENT SUCCESSES

- Bradley Chapin and Jeffrey Fohrer, partners in Rutan & Tucker, LLP's Business Litigation department, recently achieved a significant victory in a jury trial in Santa Cruz County Superior Court, in Nogales, Arizona. Chapin and Fohrer represented an international tire distributor in an action against two affiliated companies based in Nogales, Arizona, and El Paso, Texas, through which the tire distributor sought close to \$700,000 in unpaid invoices. In response, the defendants filed a retaliatory counterclaim, initially seeking approximately \$2 million in damages for purportedly defective tires based on implied warranty claims. At trial, Rutan's attorneys demonstrated that the purportedly defective tires of which the defendants claimed had not been sold to the defendants by Rutan's client and, in addition, that the defendants did not provide the requisite notice of defect as required by the Arizona Commercial Code. The jury returned a verdict awarding Rutan's client the entirety of its requested compensatory damages - not including prejudgment interest and attorneys' fees which will be the subject of post-trial motions - and also returned a complete defense verdict in favor of Rutan's client as to the counterclaim of each of the defendants.