

## Commercial Litigation

Every day, Bailey Glasser's commercial litigators tackle "deals gone wrong," whether in the form of broken contracts, fractured business relationships, fraudulent transactions, or interference with existing or future agreements. We thrive on complexity and revel in untangling the knots of intricate structures in a transaction or in a business itself.

Our highest honors come when we represent a client who has been sued in a commercial case, and through litigating counterclaims, end the case with our client receiving a settlement check.

We have initiated and defended billion-dollar actions nationwide in state courts, federal courts, and before arbitrators and mediators. Our opposing counsel has included some of the largest law firms in the country and we have emerged victorious. We represent the full spectrum of business interests and industries, from solo entrepreneurs to multi-national corporations, from coal miners to fashion designers.

Bailey Glasser's team brings vast experience in resolving business disputes including breach of contract, breach of fiduciary duty, tortious interference, fraud, fraudulent transfer actions, and numerous other federal and state statutes.

Although at Bailey Glasser "we try cases," we also recognize that a preferred outcome may be obtained by negotiation or at an early stage in a lawsuit. Our demonstrated willingness to take cases to trial gives our clients an advantage throughout the litigation process.

### Of Note

*US News and World Reports* - Best Law Firms in America - National Commercial Litigation (2020)

### Experience

- Lead counsel in veil-piercing case involving intricate review of parent-subsidary financials to impose liability against overseas parent company in multibillion-dollar hernia mesh litigation involving nearly 900 lawsuits
- Represented senior secure lender in billion-dollar coal mining bankruptcy facing emergency motions for priming loans; work involved detailed review of future business plans and value of collateral as component of ongoing business

- Obtained an over \$10 million arbitration award in which we proved that a government contractor had fraudulently induced our client, its subcontractor, into a settlement agreement; after we unwound the fraudulent deal, we overcame a forceful defense against our client's damages in winning the award
- Represented business owner in *Charron v. Sallyport Global Holdings, Inc.*, in which we obtained a \$20 million judgment in a dispute over whether the enterprise value of a company being sold exceeded \$65 million
- Represented multiple buyers and sellers in various in- and out-of-court disputes over U.C.C. sales contracts, including cases over whether the contract was formed in the first place, one party's failure to purchase or deliver, allegations of breach of warranty, open price terms, and consequential and incidental damages
- Served as lead counsel defending major publicly-traded coal and timber company from a \$127 million breach of contract claim; after five years of litigation, the court limited the plaintiff's maximum recovery to \$2 million, and the case was quickly resolved
- Represented coal sales company in \$30 million breach of contract claim arising out of failure to deliver coal under transportation agreement

### News & Insights

Bailey Glasser Brings Aboard Ben Schwartzman and Nick Warden  
12.07.2020

Bailey Glasser Achieves Favorable Settlement in Constitutional Claim Against the Commonwealth of Kentucky  
12.03.2020

Bailey Glasser Adds Nicole Ballante to Commercial Litigation Practice in the Firm's Florida Office  
11.02.2020

Bailey Glasser Welcomes Will Flynn to Consumer Litigation Practice  
09.15.2020

Bailey Glasser Lawyers Named to 2021 Best Lawyers  
08.20.2020

Bailey Glasser Welcomes Back Sallie Gilbert  
08.03.2020

Bailey Glasser Announces Promotions for 2020  
02.04.2020

Bailey Glasser Named To 2020 Best Law Firms In America  
11.01.2019

Bailey Glasser Lawyers Named to 2020 Best Lawyers  
08.15.2019

Attorney Brian Glasser Breaks Down Akorn v. Fresenius  
11.15.2018

Bailey Glasser Ranked Nationally, and in Charleston and DC, For High-Stakes Litigation  
11.02.2018

Brian Glasser Named Lawyer of the Year by Best Lawyers  
08.22.2018

Bailey Glasser's Nick Johnson to Speak at Energy & Mineral Law Foundation Annual Institute  
06.14.2018

Bailey Glasser Recognized as Leading Law Firm in Chambers USA Guide  
06.08.2017

Former Assistant US Attorney Joins Bailey Glasser As Partner  
02.01.2017

Federal Jury Finds Resort Owner and Ex-Wife Tried To Defraud Creditors  
10.15.2016

Bailey Glasser Lawyers Named to 2017 Best Lawyers® List  
08.17.2016

'War of the Roses' Case Nets \$15.7 Million Judgment  
12.10.2014

FDIC settles suit with Bank of America as Part of Largest Single-Company Settlement in US History  
08.22.2014