

CASE STUDY

Defending global manufacturer against breach of contract claim

OVERVIEW

Our client, a world-wide manufacturer of high-tech devices, was sued by one of its foreign distributors after entering into an agreement abroad. The distributor claimed breach of contract, implied covenant of good faith and fair dealing along with violations of Mass. G.L. c. 93a for failing to honor the exclusivity provisions of its distribution agreement and failing to deliver marketable goods. The distributor sought over $2.3 million dollars in single damages, in addition to double or treble damages.

We helped the client prevail, successfully defending against the claim and winning its counter claim. The client obtained an arbitration award, with the arbitrator ruling in its favor on all counts and awarding $300,000 for its counter claims along with a declaratory order terminating any further claims or rights of the distributor. This victory came at a time when the client was unwinding a prior growth strategy. We took the matter all the way to a decision, an approach that best suited the client's business strategy.

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