

Litigation Department

Jenner & Block's Litigation Department is comprised of approximately 375 litigators in offices in Chicago, Los Angeles, New York and Washington DC. The Litigation Department is organized in the following practice groups:

[Antitrust Litigation](#)
[Appellate & Supreme Court Practice](#)
[Bankruptcy Litigation](#)
[Class Action](#)
[Communications](#)
[Complex Commercial Litigation](#)
[Creative Content](#)
[Election Law and Redistricting](#)
[Employment Litigation](#)
[Environmental Litigation](#)
[ERISA Litigation](#)
[Government Contracts](#)
[Health Care Litigation](#)
[Insurance Litigation and Counseling](#)
[Intellectual Property](#)
[International Arbitration](#)
[Media and First Amendment](#)
[Product Liability and Mass Tort Defense](#)
[Professional Responsibility](#)
[Real Estate and Construction Litigation](#)
[Reinsurance Practice](#)
[Securities Litigation](#)
[Technology Litigation](#)
[Trademark, Advertising and Unfair Competition](#)
[White Collar Criminal Defense & Investigations](#)

Spotlight Live

Jenner & Block's Appellate and Supreme Court Practice group will host "2010 Supreme Court Term in Review: Leading Business Cases," a breakfast CLE program to be held at Jenner & Block's Chicago office on Tuesday, June 28 from 7:30 – 10:00 AM Central and in the Firm's New York Office on Wednesday, June 29 from 8:00 – 10:30 AM Eastern.

Partners Paul M. Smith, Elaine J. Goldenberg, Matthew S. Hellman, and Barry Levenstam and Associate Irina Y. Dmitrieva will discuss the implications of the biggest business cases of the Supreme Court Term, focusing on class actions, patents, preemption, First Amendment, employment discrimination, and securities litigation, among other topics. The panelists will also take a look ahead to next Term's big business cases.

Please click [here](#) for more information and to register for the event.

Message from the Co-Chairs of the Litigation Department

In this edition of *The Spotlight*, we discuss a number of notable developments. Among other things, we report on two significant Federal Circuit rulings in the area of Intellectual Property: an opinion clarifying the contempt standard, and an order granting a rehearing *en banc* to settle an issue regarding the scope of the joint infringement rule. (See Intellectual Property.)

We address several recent developments in the ever-evolving area of e-discovery, including the Sedona Conference's new set of principles for the preservation and production of databases. We also report on a few noteworthy discovery rulings, including one case where the court ordered sanctions because senior management was willfully blind to the spoliation of emails, and another where the court ordered a party to reproduce nearly 12,000 electronic documents. (See Electronic Discovery.)

We discuss a number of cases that could have a significant impact on certain statutory claims, including an opinion of first impression regarding the Airline Deregulation Act's preemption of state-law claims against foreign airlines (See Antitrust Litigation), a divided decision concerning federal jurisdiction over Telephone Consumer Protection Act claims (See Class Action), and the Supreme Court's grant of certiorari to decide the arbitrability of Credit Repair Organizations Act claims (See Arbitration).

We highlight a number of areas this month where courts have recently addressed similar issues only to reach differing results. For example, the Tenth Circuit and the Illinois Supreme Court came to conflicting conclusions with respect to the issue of whether relief offered before a class-certification motion moots a case (See Class Action). And, a New York federal district court and the New Jersey Supreme Court reached different results with respect to cases relating to the misappropriation of confidential information for use in litigation. (See White Collar Defense & Investigations.)

Regards,

David J. Bradford and **Craig C. Martin**

Co-Chairs Jenner & Block Litigation Department

In This Issue

Senior Editor, **Barbara S. Steiner** and Issue Editor, **Matthew J. Thomas**

Antitrust Litigation

- *Airline Deregulation Act Preempts State Law Antitrust Claims Against Foreign Airlines.* [more...](#)
- *Supreme Court Denies Certiorari In Text Messaging Case.* [more...](#)
- *Court Permits Claims Against Containerboard Manufacturers To Proceed.* [more...](#)
- *DOJ Settles Section 7 Case Against Milk Processor Dean Foods.* [more...](#)

Arbitration

- *Supreme Court To Decide Arbitrability Of CROA Claims.* [more...](#)
- *Timeliness Disputes Are To Be Resolved By Arbitrator, Not Court.* [more...](#)

Attorney-Client Privilege

- *Florida Clarifies Decision Regarding Discovery Of Insurer's Claim Files.* [more...](#)
- *Work Product Waiver When Disclosing To Government But Not To Auditors.* [more...](#)
- *Failure To Adequately Screen Production/Object Waives Privilege.* [more...](#)
- *Court Adopts Narrow "At Issue" Waiver Standard.* [more...](#)

Class Action

- *Named Plaintiff Subject To Unique Defense Is Not Adequate Class Representatives.* [more...](#)
- *Courts Conflict Re Whether Relief Offered Before A Certification Motion Moots Case.* [more...](#)
- *Seventh Circuit Clarifies Amount In Controversy Standard.* [more...](#)
- *Divided Third Circuit Permits TCPA Claim Under Diversity Jurisdiction.* [more...](#)

Complex Commercial Litigation

- *Complaint Struck As Sanction For Failing To Comply With Discovery Schedule.* [more...](#)
- *Failure To Attend Single Hearing Insufficient Grounds For Dismissal Sanction.* [more...](#)
- *Forum Non Conveniens Dismissal Vacated Due To Subsequent Development.* [more...](#)
- *Disclosure Of Director's Conflict Does Not Insulate Director From Liability.* [more...](#)

Electronic Discovery

- *Court Orders Complete Re-Production Of Documents.* [more...](#)
- *No Spoliation Because No Documents Were Destroyed.* [more...](#)
- *Willful Blindness To Purposeful Spoliation Warrants Sanctions.* [more...](#)
- *Sedona Conference Issues Guidance On The Production Of Databases.* [more...](#)

Environmental Litigation

- *8th Circuit Limits Basis Of Environmental Cost Recovery.* [more...](#)

Health Care Litigation

- *Seventh Circuit Joins Other Circuits In Utilizing "One Purpose Test" For Anti-Kickback Violations.* [more...](#)
- *District Court Holds That Uninsured Plaintiffs Have Standing To Challenge Individual Mandate.* [more...](#)

Intellectual Property

- *Federal Circuit Grants En Banc Rehearing To Settle The Joint Infringement Rule.* [more...](#)
- *Federal Circuit Clarifies Contempt Standard.* [more...](#)

International Arbitration

- *Petition To Confirm Awards Against Liberian Public Corporation Dismissed For Lack Of Personal Jurisdiction.* [more...](#)
- *New York Convention "Writing Requirement" Was Not Satisfied By Parties' Prior Course Of Dealing.* [more...](#)
- *Forum Selection Clause Limiting Place Of "Execution" To Bulgaria Required Dismissal Of Petition To Confirm Award.* [more...](#)

Product Liability

- *French Helicopter Components Manufacturer Subject To IL Jurisdiction.* [more...](#)
- *General Aviation Repose Act Applied To Bar Lawsuit.* [more...](#)
- *Substantial Punitive Damages Upheld In Personal Injury Case.* [more...](#)
- *Exclusion Of Expert Whose Testing Evidence Was Inadmissible Affirmed.* [more...](#)

Professional Responsibility & Ethical Developments

- *In-House Counsel Licensed Elsewhere May Perform Non-litigation Work In New York.* [more...](#)

Securities Litigation

- *SEC Charges Chairman Of Board And Another Officer With Lying To Auditors About Related Party Transactions.* [more...](#)
- *SEC Charges Former Officer For Aiding And Abetting Company's Improper Advertising Expense Accounting.* [more...](#)
- *SEC Administrative Law Judge Rules That Dodd-Frank Financial Reform Act Is Not Retroactive.* [more...](#)
- *Ninth Circuit Holds That SOX Whistle-Blower Provisions Do Not Protect Disclosures Of Wrongdoing To The Press.* [more...](#)

White Collar Defense & Investigations

- *State-Owned Corporations Can Be "Instrumentalities" Of Foreign Governments.* [more...](#)
- *Mixed Results Re Use Of Misappropriated Documents In Litigation.* [more...](#)
- *Self-Reporting Nursing Homes To Get Break On Civil Penalties.* [more...](#)

Litigation Department News

Firm Achieves Significant Appellate Victory for Client Ventas, Inc. [more...](#)

Partner David J. Bradford Named American Lawyer Litigator of the Week. [more...](#)

In The Firm

Schaner Recognized as One of the World's Leading Commercial Arbitration Lawyers. [more...](#)

Jenner & Block's Environmental Law Blog Named a Top Blog by LexisNexis. [more...](#)

In The Spotlight: Attorney Profile



Carla J. Rozycki

Partner

Carla J. Rozycki is a partner in the Firm's Litigation Department and serves as Chair of the Labor and Employment Practice. She also serves on the Management Committee, as Co-Chair of the Firm's Positive Work Environment Committee and as Firm Counsel (Employment). Ms. Rozycki represents public and private employers in employment discrimination, harassment, wage/hour, ERISA, restrictive covenants, and state common law claims brought by individuals, government agencies and as class actions, as well as First Amendment, due process and equal protection claims in judicial proceedings and administrative proceedings before the Equal Employment Opportunity Commission and the Department of Labor. She also counsels employers on a myriad of sensitive personnel issues such as hiring, promotion, performance evaluation, discipline, compensation and discharge, reductions in force, exit incentive programs, releases, leaves of absence and harassment. Her clients come from diverse industries including education, professional services, automotive, advertising, manufacturing, sales, defense and high tech. Since 2004, Ms. Rozycki has been regularly recognized by *Leading Lawyers* in the Employment Law: Management area, and in 2010, she was selected for inclusion by *Illinois Super Lawyers* in its Employment & Labor category. In 2005, she received the Governor's Award for Unique Achievement from the Illinois Department of Aging, in recognition of her "dedicated community service and exceptional concern for Illinois seniors." She is a member and past President of the Board of Directors of AgeOptions, the Area Agency on Aging of Suburban Cook County. Ms. Rozycki is a frequent author and regular contributor for *Law.com*. To learn more, please click [here](#).