

The Spotlight

JENNER & BLOCK Litigation Monitor

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Litigation Department

Jenner & Block's Litigation Department is comprised of 330 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](#)
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[Product Liability and Mass Tort Defense](#)
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[Reinsurance Practice](#)
[Securities Litigation](#)
[Technology Litigation](#)
[Unfair Competition/False Advertising/Lanham Act](#)
[White Collar Criminal Defense & Investigations](#)

Spotlight Live

Save the Date: Keeping Your Company Out of Trouble in China

Jenner & Block is hosting "Keeping Your Company Out of Trouble in China: Anti-Corruption Developments and Compliance Strategies," a seminar on January 26 in the Firm's New York office and on January 27 in our Chicago office. The seminar will cover anti-corruption efforts in China that are fundamentally altering its business climate and deal-making activities. John Chu, Esq., a partner in the Jun He Law Offices in Beijing, and other professionals will discuss what is on the horizon in China and anti-corruption and compliance programs and best practices.

Message from the Co-Chairs of the Litigation Department

Happy New Year! On behalf of all the Jenner & Block LLP Spotlight Litigation contributors, we wish you our very best wishes for a healthy, prosperous and successful 2010. We look forward to providing you with monthly litigation updates across several different areas of law in the coming year. We begin the new year with our latest edition of the Litigation Spotlight which contains information that will be helpful to your practice.

This month's Litigation Spotlight addresses new developments across sixteen practice areas. We are proud to include for the first time in this publication notable contributions from our Environmental and Insurance Practice Groups. In the former, we discuss the opinion of the United States Court of Appeals for the Tenth Circuit, finding that non-settling potentially responsible parties can intervene in a CERCLA consent decree (*United States v. Albert Inv. Co.*); and the District Court of South Carolina's holding to bar environmental tort claims under the Federal Tort Claims Act (*Oxendine v. United States*). In the latter, we discuss a recent decision by the U.S. Court of Appeals for the Tenth Circuit (*Rivelli v. Twin City Fire Insurance Co.*) which presents a cautionary tale for any prospective policyholders confronted with a request to sign a warranty letter. The remaining content in this edition of the Litigation Spotlight includes some of the following areas: [more](#)

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, **Kenyanna M. Scott**

Appellate & Supreme Court

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Antitrust Litigation

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Arbitration

- *International Treaty Overrides State Ban On Arbitration In Insurance Contracts.* [more](#)
- *Unavailability Of Arbitration Forum Voids Arbitration Clause And Class Action Waiver.* [more](#)

Attorney-Client Privilege

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- *Subject Matter Waiver Applied To Ordinary Work Product Under FRE 502.* [more](#)
- *Court Sanctions Party For Discovery Abuse; Finds Waiver Of All Privileges.* [more](#)
- *Opinion Work Product Disclosed To Testifying Expert Not Waived.* [more](#)

Class Action

- *Court Approves Pharmaceutical Pricing Settlement With Cy Pres Award.* [more](#)
- *Variations In Potential Damages Doom California Class Action.* [more](#)

Complex Commercial Litigation

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- *Release Of Liability Clause In Ski Resort Contract Upheld As Valid.* [more](#)

Electronic Discovery

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Environmental Litigation

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Insurance & Reinsurance

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- *SEC Seeking Penalties Under SOX For CEOs Not Personally Involved In Wrongdoing.* [more](#)

Litigation Department News

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Schaner Appointed Secretary of the International Bar Association Arbitration Committee [more](#)

Arguments in *Kucana v. Holder* Heard before the Supreme Court [more](#)

In The Firm

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Jenner & Block Elects 10 Associates to Partnership [more](#)

In The Spotlight: Attorney Profile



Susan J. Kohlmann
Partner

Susan J. Kohlmann is a partner in the Firm's Litigation Department. She is Chair of the Unfair Competition, False Advertising and Lanham Act Practice and a member of the Creative Content Practice. Ms. Kohlmann has handled and tried a variety of complex litigation matters, including, among other things, copyright, trademark and trade secret disputes. Ms. Kohlmann's current matters include representing client Viacom in its copyright lawsuit against YouTube and Google for infringement of Viacom's works on the YouTube website. Ms. Kohlmann recently successfully represented the Estate of Elaine Steinbeck in the Second Circuit Court of Appeals in a widely reported decades-long dispute involving termination rights under the U.S. copyright laws over the rights to many of John Steinbeck's best-known early works such as *Of Mice and Men* and *The Grapes of Wrath*. The ruling is one of few interpreting termination rights under the Copyright Act. Ms. Kohlmann has litigated a broad array of high profile disputes, including that involving world renowned artist Andy Warhol's estate. In addition, Ms. Kohlmann serves on the Nominating Committee of the New York City Bar and was the recent Chair of the New York City Bar's Committee to Enhance Diversity. Ms. Kohlmann is also a member of the Board of Legal Momentum and New York Lawyers for the Public Interest. [More](#)