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TEXAS COMMERCIAL CAUSES OF ACTION

By Jim Wren and Jeremy Counsellor

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\$25M Verdict Overturned: 'Worst Conduct Ever'

by MIRIAM ROZEN
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In one of his last rulings before leaving the bench after 13 years, U.S. District Judge Leonard Davis of the Eastern District of Texas dramatically erased a \$25 million jury verdict. Davis based his ruling on what he described as "without question the worst conduct this court

has ever seen."

Davis vacated the verdict because of the fraudulent actions during the trial by corporate plaintiff LBDS, a Richardson-based holding company. LBDS' actions included document forgery, and the company misled its own lawyers, opposing counsel, Davis himself and the jurors, the judge wrote.

In his ruling, issued on May 15, Davis

granted the defendants, South Korean-based ISOL Technology and its CEO, \$738,706 in attorney fees and dismissed all the jury's findings against the defendants. ISOL manufactures magnetic resonance imaging (MRI) machines. LBDS had sought to market those machines in the United States.



Davis

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Busy Time

Unpaid Overtime Claims in Energy Industry Keep Labor Lawyers On the Clock

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A growing number of energy industry workers have turned to the federal courts to seek unpaid overtime claims against employers. Once well compensated, many of the workers lost jobs as oil prices fell. Those events prompted them to revisit their former employers' pay practices and to allege that they are due overtime under the Fair Labor Standards Act, both plaintiffs and defense lawyers report.

The FLSA requires that nonexempt employees be paid at least the national minimum wage of \$7.25 per hour for all hours worked, plus time-and-a-half their regular rates for hours worked beyond 40 per week.

The increase in FLSA lawsuits against energy industry employers is also recognized as lucrative by the plaintiffs bar. The potential yields are promising, thanks to the oil and gas industry tradition of com-

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JOHN STEELE

Blue Bell Sued in Listeria Lawsuit

by BRENDA SAPINO JEFFREYS
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Blue Bell Creameries, the iconic Texas ice cream maker, has been embroiled in a financial and public relations crisis since it recalled its products in April because of possible Listeria monocytogenes contamination. Blue Bell's difficulties expanded to the

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Robert Dubose
EDITOR