

Complex Civil Litigation CASE STUDY

Case: Stenovich v. Eccles

Clients: Stanley, Mandel & Iola, LLP, and Anderson & Karrenberg

Year: 2003

Venue: Utah State Court, Salt Lake City

The shareholders of a bank filed a class action complaint for breach of fiduciary duty against the chairman of their board of directors for terminating talks on a more favorable merger and abruptly executing a merger with another, larger bank. Our clients, the plaintiffs, contended that the board chairman's actions were contrary and detrimental to their interests and filed the class action suit.

Challenges

The defendant filed a Motion for Summary Judgment. Think Twice would need to help establish the existence of triable issues of fact so that the judge would deny the Summary Judgment motion and allow the case to proceed to trial. We would need to be very efficient in our work as the hearing was imminent, and the trial team was located in Texas, California, and Utah.

Solutions

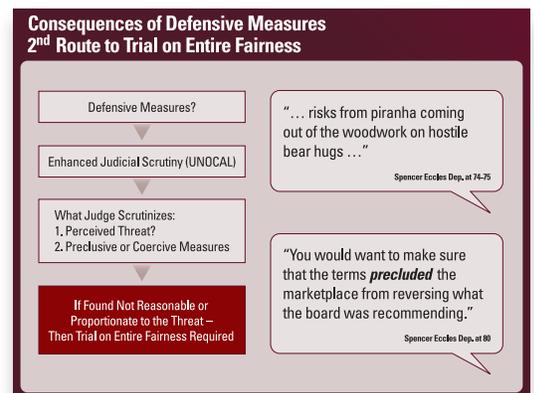
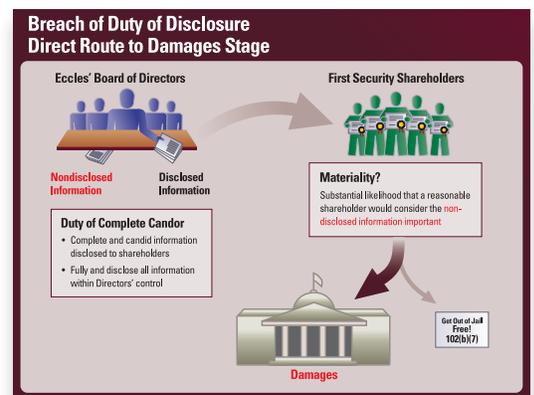
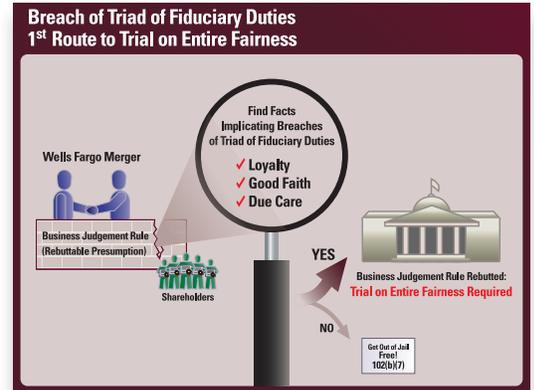
To address the geographical challenges, we conducted all client reviews efficiently via our secure extranet site, and we identified a quality print vendor in Salt Lake City with the capacity to print and deliver multiple hardboards on short notice.

Coordinating design, approval and production across distant locations, we quickly delivered a series of persuasive exhibits to establish:

1. A favorable statutory framework compelling trial of the case;
2. A favorable determination that defensive measures undertaken by the chairman of the board were not reasonable; and
3. A favorable determination of the fiduciary duty of the board and the materiality of the nondisclosed information, thus defining the route to potential liability and damages at trial.

Outcome

Having established triable issues of fact within the statutory framework and legal precedent, our client's argument prevailed and the matter proceeded to trial.



Services Provided

- Strategic planning
- Creative development
- Graphic design
- Demonstrative exhibits
- Still graphics, slides & boards