

## DIRECTOR/OFFICER LITIGATION & PARTNERSHIP DISPUTES

Berger Singerman understands that today's business environment is a minefield of litigation against officers and directors of corporations and members of LLC's. In addition to the more common actions brought by shareholders and members, claims now include regulatory enforcement actions, cyber security breaches, creditor claims, and class-actions alleging violations of federal employment laws. In each instance, litigants may assert claims directly for themselves or, alternatively, seek to advance shareholder derivative claims that belong to the company. The claims can impair on-going business and all present risks of extensive financial and reputational losses. We have experience in each of these realms.

In the corporate setting, the law provides a possible alternative to such litigation. We are well suited to act independently and capably as counsel to special litigation committees composed of independent directors when boards of directors form such committees for the purpose of thoroughly investigating proposed litigation and determining whether such litigation is in the best interests of the corporation. We also have extensive experience managing the complexities of derivative litigation, including collaborating on the development of business solutions and implementing early mediation to avoid or short circuit litigation.

Berger Singerman has long been recognized as a leader among law firms in the use of technology for internal operations, organization of massive amounts of documentary and electronic evidence, and coordination of the claims of hundreds of competing interests. Cyber security breaches can rapidly generate enormous liabilities and, with them, claims that companies and their officers and directors failed adequately to avoid such breaches. The risks involve breaches of privacy and of the security of the financial information of the companies and their customers. Berger Singerman's proficiency in electronic data management in the context of complex litigation well situates the firm to advise and represent companies that face such claims.

Class-action litigation involving claims that company policies and practices violate federal employment laws such as the Fair Labor Standards Act (FLSA), Fair Credit Reporting Act, and employment discrimination laws pose risks of significant liabilities for our clients. Creditor claims in this area are another emerging threat.

Florida has long led the United States and its territories in the numbers of federal court cases in which employees seek recoveries of overtime pay under FLSA. Berger Singerman represents companies and executives in such cases.