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Frost Brown Todd Wins Favorable Ruling from Sixth Circuit Court of Appeals against Tracy Warren, other Buchalter Attorneys

Frost Brown Todd (FBT) Columbus attorneys Bill Harter and Yaz Ashrawi had nearly \$300,000 in sanctions against opposing counsel and in favor of FBT's client affirmed by the Sixth Circuit Court of Appeals. The court agreed with FBT's argument that attorney Tracy Warren and three other attorneys from the Buchalter law firm in California engaged in repeated instances of clear discovery misconduct which justified the sanction against the attorneys personally. The court also remanded the claims as against Buchalter itself to allow the trial court to consider whether Buchalter should also be sanctioned under the trial court's inherent authority.

The case arose out of FBT client SY Dawgs LLC's (SY Dawgs) departure from the National Pro Fastpitch League (NPF). NPF accused SY Dawgs and several other FBT clients of breaching a franchise agreement and violating a non-compete agreement. Despite alleging millions of dollars in damages, NPF and the Buchalter attorneys steadfastly refused to participate in discovery in the case.

After losing every substantive stage in the case and being the subject of multiple adverse discovery rulings, NPF eventually dismissed all claims against SY Dawgs and the other defendants with prejudice. Rather than allowing NPF's and its counsel's conduct to go unpunished, however, the trial court entered sanctions against NPF, Buchalter and Warren and the other individual attorneys. The total sanctions entered in FBT's clients' favor exceeded \$480,000. NPF chose not to appeal its portion of the award.

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