

Carter Ledyard Partner Charles Berry Obtains Favorable Ruling in Mayer v. Marron

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Charles Berry obtained a favorable ruling in a long-standing litigation before Justice Eileen Bransten in the Commercial Division of the New York State Supreme Court, New York County, *Mayer v. Marron*. The firm's clients are plaintiffs Walker Wainwright and Robert Mayer, founders and managing members of American Intermodal Container Manufacturing Co., LLC ("AICM"), formed to design, manufacture and market 53-foot containers, a standard mode of transport by truck and rail. The suit was filed in 2014 against other members of AICM who purported to oust plaintiffs from management by aligning with a former member who disputed an agreement to surrender his membership interest. After Justice Bransten rendered a decision in November 2015 sustaining the validity of most of the claims against the original defendants, discovery revealed facts providing the basis for plaintiffs' claim that defendants' ouster of plaintiffs' management was enabled by J.B. Hunt, one of the nation's largest trucking companies and the primary prospective customer of AICM, and Navistar (formerly International Harvester), which contracted to manufacture containers for AICM. Plaintiffs sought to amend their complaint to assert claims against Hunt and Navistar. In a 29-page ruling Justice Bransten granted the motion, allowing claims for aiding and abetting breach of fiduciary duty and tortious interference with contract. The court noted allegations that the original defendants' ouster of plaintiffs from the company's management could not have continued without the additional defendants' active support, citing in particular their involvement in AICM's governance, including purportedly installing one of their former executives as chairman. The decision presents a thorough explanation of the subject business torts in a ruling of broad interest. Mr. Berry is assisted in ongoing work by Counsel Melissa Erwin and Legal Assistant Mara Leff.

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