

SNELL & WILMER PARTNER ROB KORT SECURES NINTH CIRCUIT VICTORY

PHOENIX (August 24, 2011) – Snell & Wilmer is pleased to announce that Rob Kort, a partner in the firm’s Phoenix office, recently prevailed on an appeal before the U.S. Court of Appeals for the Ninth Circuit, preserving for his client a \$57.4 million dollar victory, the largest Arizona jury verdict in 2009.

Kort originally secured the landmark verdict following a 2½ week trial in federal district court in August 2009. The lawsuit arose out of a distributorship between Snell & Wilmer client Atlas Flooring, LLC and Grupo Porcelanite, the largest ceramic tile manufacturer in the world.

Porcelanite, a subsidiary of the Grupo Carso conglomerate in Mexico, had promised Atlas exclusive rights to distribute Porcelanite’s tile products to Lowe’s home improvement stores throughout the United States. But after Atlas embarked on an aggressive campaign to expand its growing business with Lowe’s, Porcelanite obstructed Atlas’ efforts and began selling its tile products directly to Lowe’s.

Kort filed the suit on Atlas’ behalf, asserting claims for breach of contract, fraud and interference with business expectancies. Porcelanite filed counterclaims against Atlas seeking tens of millions of dollars in lost profits. At trial, Kort argued that Porcelanite deliberately set out to steal away Atlas’ customer and defrauded Atlas by concealing its direct sales to Lowe’s. After three days of deliberations, the jury returned a unanimous verdict for Atlas on all claims and counterclaims, awarding Atlas more than \$32 million in compensatory damages and \$25 million in punitive damages. Atlas was also awarded its attorneys’ fees and costs.

Porcelanite filed an appeal with the Ninth Circuit, arguing that there was insufficient evidence of liability and that the compensatory and punitive damages awarded by the jury were excessive and duplicative. Kort led the Snell & Wilmer team in briefing the appeal and then argued the case to the Ninth Circuit in February 2011. In its recently issued decision, the Ninth Circuit rejected each of Porcelanite’s challenges and affirmed the record-setting jury verdict in its entirety.

Kort has litigated and arbitrated cases involving a wide variety of claims, including fraud and civil racketeering actions, franchise disputes, securities litigation, trade secrets and unfair competition, shareholder derivative actions, director and officer liability, privately held corporation and partnership disputes, insurance coverage and bad faith, and professional malpractice. He has represented large corporations, small businesses and individuals across a multitude of industries, including banking and financial services, franchise and retail operations, consumer goods distribution, commercial real estate, pharmaceutical development, and computer hardware, software and integration. He earned his J.D., *magna cum laude*, from Arizona State University, College of Law where he was appointed Order of the Coif and received his B.S. from the University of Arizona.

About Snell & Wilmer L.L.P.

Founded in 1938, Snell & Wilmer is a full-service business law firm with more than 400 attorneys practicing in nine locations throughout the western United States and in Mexico, including Phoenix and Tucson, Arizona; Salt Lake City, Utah; Los Angeles and Orange County, California; Denver, Colorado; Las Vegas and Reno, Nevada; and Los Cabos, Mexico. The firm represents clients ranging from large, publicly traded corporations to small businesses, individuals and entrepreneurs. For more information, visit www.swlaw.com.