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**Delaware Court Grants Extraordinary Relief to Morgan Lewis Client
Based on Opponent's Ethical Stumble**

October 13, 2011

In a noteworthy decision instructive for any lawyer handling a dispute in Delaware, we recently obtained extraordinary relief in a breach of contract claim case being conducted against firm client Nationwide Insurance Company.

Background

We are representing Nationwide in *Northpointe Holdings, Inc. v. Nationwide Emerging Managers, LLC*, pending in Delaware's Superior Court. The adverse party is the disappointed buyer of Nationwide's interest in an investment advisory firm.

Delaware Rules of Professional Conduct

In preparing their case, opposing counsel, seasoned Michigan trial lawyers, ran afoul of Delaware's rules by interviewing a key former executive of Nationwide without providing specific warnings required by Delaware case law. When opposing counsel used the improperly acquired information to elicit information in the former executive's deposition, we sought relief. The court ruled that opposing counsel violated the Delaware Rules of Professional Conduct, struck the deposition in question from the record, ordered counsel to turn over their interview notes, and required the opposing party to reimburse Nationwide for its cost in preparing the motion.

Implications

The decision illustrates the value we provide to clients with Delaware litigation matters and serves as a reminder of the importance of knowing the ethical guidelines in any jurisdiction in which we practice.

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