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Construction Disputes Thomas J. Kelleher, Brian G. Corgan, William E. Dorris, 2002-01-01 All areas of construction litigation are covered in this two volume set starting with case analysis pretrial activities and special forum issues The authors continue with an in depth discussion of the difficult presentation issues for delay and acceleration claims lost productivity claims and establishing damages The final section of the text covers trial and other issues including direct and cross examination appeals and settlement and releases Practical examples of and checklists for the drafting of many of the key documents used in construction litigation are also included **Decisions and Orders of the National Labor Relations Board** United States. National Labor Relations Board, 2015 **Covenants Not to Compete, 5th Edition Document Production in International Arbitration Reto** Filipp, 2019-10-09 Covenants Not to Compete Marghitola, 2015-10-20 Because document production can discover written evidence that would otherwise not be available it is often the key to winning a case However document production proceedings can be a costly and time consuming exercise and arbitral awards in particular are often challenged on grounds that relate to document production orders The task of balancing the conflicting interests of the parties in this context is a major responsibility of arbitral tribunals This book s analysis focuses on whether there exist legal principles on which arbitrators should establish rules of document production in both civil law and common law countries and shows how international arbitration is affected. The author examines the relevant discretion of arbitral tribunals under US English Swiss German and Austrian law and under nine of the most important sets of institutional rules including the ICC Rules the LCIA Rules and the Swiss Rules The presentation mines case law and legal literature for concepts based on the common expectations of the parties the legitimate expectations of a party the duty to balance different procedural expectations of the parties the presumed intent of the parties the underlying hypothetical bargain implied terms and the arbitrators discretion Among the topics and issues investigated are the following procedural rules on document production versus procedural flexibility how arbitral tribunals can modify the IBA Rules on a case by case basis discretion granted by legislation in each country covered electronic document production how to deal with privilege and confidentiality objections how to formulate or answer document production requests effective sanctions in case of non compliance with procedural orders of the arbitral tribunal what grounds for annulment and non enforcement a losing party can raise in what countries Perhaps the greatest benefit of the book is the inclusion of model clauses commensurate with both civil law and common law expectations The author explicates the advantages and inconveniences of each model

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