

SHOUT OUT

Shout Out: Patterson Belknap Wins Terminating Sanctions for Abbott in Discovery Fraud Case

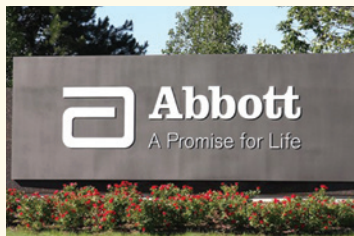
A federal judge in the Eastern District of New York has recommended that Abbott's motion for sanctions be granted, and that default judgment be entered against H&H for "a calculated pattern of pervasive misconduct."

By **Jenna Greene**

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Lawyers from Patterson Belknap Webb & Tyler prevailed on behalf of Abbott Laboratories in an anti-counterfeiting action involving blood glucose test strips used by people with diabetes.

I wrote about the case last year, when Abbott sued H&H Wholesale Services for allegedly removing lower-priced international test strips from their packaging and putting them into counterfeit U.S. retail packaging.



The Patterson team led by Geoffrey Potter complained that H&H (which has had five sets of lawyers—Fox Rothschild; Kerr, Russell and Weber; Cooley; and Cohen & Gresser, and Springut Law) handed over just 314 documents, compared to the more than 3,500 documents that were produced after Abbott was authorized to seize H&H's email server.

Now, a federal judge in the Eastern District of New York has recommended that Abbott's motion for

sanctions be granted, and that default judgment be entered against H&H.

"[T]his was not an isolated instance of perjury or one withheld document, rather it was a calculated pattern of pervasive misconduct

that started early on and continued even after defendants were caught red-handed," U.S. Magistrate Judge Lois Bloom wrote last week. "As much as H&H seeks to lay blame on its counsel, the truth is H&H is responsible ... the H&H defendants have committed a fraud upon the court, and that the harshest sanction is warranted."

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Geoff Potter

David Lubarsky