



Corporate Client e-Newsletter

May 2015

Welcome to the May edition of the Primerus Xpress. This month's edition contains articles, authored by Primerus members, which provides relevant information regarding legal developments, best practices, and emerging legal issues that may impact your business. You'll also find a recent compendium produced by the Primerus Product Liability Practice Group. We hope you find the articles beneficial. Please let us know if you're looking for a specific article or a resource - we have thousands of articles on our website that our member law firms have authored over the years.

Below please find a list of upcoming events. We invite corporate executives, legal counsel and business professionals to attend our events. If you're interested in a specific event, please contact us.

- June 11 - [Primerus Business Law Institute Regional Symposium](#) (Dallas/Fort Worth, TX)
- October 1st - [Primerus Legal Risk Management Seminar: A Comparative Analysis by World Region](#) (Amsterdam, Netherlands)
 - To register, please contact csluss@primerus.com
- October 18-21 - Association of Corporate Counsel Annual Meeting (Boston, MA)
 - Primerus is a corporate sponsor of the ACC.
- October 22-23 - Primerus Defense Institute Insurance Coverage & Bad Faith Seminar (New York, NY)

Primerus provides corporate clients with an alternative to the large law firms. Please visit the following link to find a [Primerus member near you](#).

Sincerely,
Chad Sluss
Senior Vice President of Services

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NEW! A Survey of The Law of Non-Contractual Indemnity and Contribution - Products Liability Practice Group Compendium - April 2015

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NEW! Primerus Membership Directory

Video: Why hire a Primerus lawyer?

Paradigm Magazine - Spring 2015

Resources

Products Liability Compendium - April 2015

A Survey of The Law of Non-Contractual Indemnity and Contribution UPDATE - Product Liability Practice Group (PDI) - April 2015

[A Survey of The Law of Non-Contractual Indemnity and Contribution](#) has been prepared by the Products Liability Group of the Primerus International Society of Law Firms, Defense Institute and replaces the earlier April 2012 survey. Although our focus is the defense of products liability litigation, this survey of law applies generally to any company that finds itself the target of litigation in jurisdictions throughout the United States.

The purpose of this compendium is to provide a general reference source regarding the applicable law in each state on issues related to the allocation of fault as between defendants and non-parties in a products liability case in circumstances where there is no contract dealing with the issue. It is not intended to be a comprehensive discussion of the law in each jurisdiction, but simply to provide easy reference to the basic rules within each state. An awareness of the issues and applicable law may promote greater cooperation and cost saving arrangements that also increase the potential for a successful defense of all involved.

Business

AUSTRALIA

Help! My spouse has become bankrupt. How does this affect my entitlements as the non-bankrupt spouse?

**By: [HHG Legal Group](#)
West Perth, Australia**

The Court generally requires that the debts incurred by either or both of the parties should be paid from the property of the parties upon the breakdown of the relationship. However, the bankruptcy of one party affects how the debts are treated.

[Full Article](#)

AUSTRALIA

Laws to Know When Letting Family Build on your Land

**By: [HHG Legal Group](#)
West Perth, Australia**

Often landowners in rural areas will allow other family members to build homes on the family farm or semi-rural property. This article deals with the particular issue of the grant of a long term lease or license in these circumstances when allowing other family members to build homes on the family farm.

[Full Article](#)

HONG KONG

Beware of the Risk of Being Liable as a De Facto Director

**By: [ONC Lawyers](#)
Hong Kong, Hong Kong (SAR)**

In the recent English case of *Smithton v Naggar and others* [2014] EWCA Civ 939, the English Court of Appeal clarified the factors it will consider when determining whether a person is a de facto director.

[Full Article](#)

NETHERLANDS

Contracts: Terminating contracts by e-mail is not advisable

**By: [Reinier W.L. Russell, Esq.](#)
Russell Advocaten B.V.
Amsterdam, Netherlands**

Recently, it has been legally permitted in the Netherlands to terminate contracts by e-mail in certain circumstances. Under what conditions is this allowed? Is it advisable to terminate contracts by e-mail?

[Full Article](#)

TURKEY

Turkey: Green Bonds Or Greenwash?

**By: [Serap Zuvin](#), [Melis Oget Koc](#), and Mehmet Ali Ali Akgun
Serap Zuvin Law Offices
Istanbul, Turkey**

[Approaching Danger for Humankind](#)

There is no doubt that global warming danger is getting closer day by day. Global warming's effect is not only on the temperature; it also affects the precipitation patterns, sea levels, agricultural production levels, water sources, glaciers and even the behaviour of the plant and animal. Needless to say, the climate change and global warming affects all the livings on planet earth. Does it really have to be like this? Well...Green House gases, especially carbon dioxide released into the atmosphere by human activity is one of the main reasons of global warming which ultimately triggers the heat and absorption of radiation.

[Full Article](#)

TURKEY

Turkey: Sales Made Outside Of Work Places; What Is New On Direct Sales In Turkey? A World-Famous Sales Method!

By: [Serap Zuvin](#), [Melis Oget Koc](#), and Aybala Kurtuldu

Serap Zuvin Law Offices

Istanbul, Turkey

Direct selling term generally stands for the direct sale and marketing of goods and services to the end user consumers, outside of a retail store. Different methods can be used in direct sale, such as one-on-one demonstrations, showing catalogues, organizing marketing parties, etc. which recently includes internet marketing as well.

[Full Article](#)

UNITED STATES

Pennsylvania Superior Court Quashes Appeal Holding that an Order on ADR Provision Is Not Immediately Appealable

By: [Thomas Paschos, Esq.](#)

Thomas Paschos & Associates, P.C.

Haddonfield, New Jersey

In *Armstrong World Industries Inc. v. Travelers Indemnity Co. et al.*, 2015 PA Super 109; 2015 Pa. Super. LEXIS 244 (May 6, 2015), the case was initiated by Travelers' denial of insurance coverage for environmental damage allegedly caused by the release of polychlorinated biphenyls (PCBs) to the site of Armstrong's manufacturing facility in Macon, Georgia (Macon Site). In denying coverage, Travelers reasoned that Armstrong had released the environmental claim at issue under a settlement agreement executed by the parties on May 20, 1998.

[Full Article](#)

Employment

HONG KONG

Updated Employers' Statutory Obligation: Minimum Wage Rate and Transfer of Personal Data Outside Hong Kong

By: [ONC Lawyers](#)

Hong Kong, Hong Kong (SAR)

Employers in Hong Kong are subject to different kinds of obligation under various employment related legislations. As such legislations are revised from time to time, employers shall be aware of the changes of the legislations and to take necessary action to comply with the "new" law.

[Full Article](#)

UNITED STATES

Third Circuit Rules Bus Driver Exempt from Fair Labor Standards Act

By: [Thomas Paschos, Esq.](#)

Thomas Paschos & Associates, P.C.

Haddonfield, New Jersey

In *Resch v. Krapf's Coaches, Inc.*, 2015 U.S. App. LEXIS 7810 (3d Cir. May 12, 2015), Joseph Resch, a driver for Krapf's Coaches, Inc. ("KCI"), filed an action on behalf of himself and thirty-three other KCI drivers ("Plaintiffs") seeking unpaid overtime under the Fair Labor Standards Act of 1938 ("FLSA") and the Pennsylvania Minimum Wage Act of 1968 ("PMWA").

[Full Article](#)

UNITED STATES

Misconduct: Are You Your Employee's Keeper?

By: [Melissa Iyer Julian, Esq.](#)

Burch & Cracchiolo, P.A.

Phoenix, Arizona

Employees are the lifeblood of your business. They provide the necessary work to produce the products and services that keep the lights on and your investors happy. You expect them to act ethically and assume they're doing their best until misconduct occurs leaving you wondering if you have to be your employee's keeper.

[Full Article](#)

Insurance

UNITED STATES

Medical Malpractice Insurance Not Subject to New Jersey Consumer Fraud Act

By: [Thomas Paschos, Esq.](#)

Thomas Paschos & Associates, P.C.

Haddonfield, New Jersey

In *Khan v. Conventus Inter-Insurance Exchange*, 2013 N.J. Super. LEXIS 216 (N.J. Super. 2013)(Approved for publication April 29, 2015), the court was faced with the issue of whether the CFA is applicable to transactions involving the purchase and sale of medical malpractice insurance.

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We seek out, accept and retain only the best firms for membership. Each firm is screened to ensure its commitment to excellence as embodied in the Six Pillars: Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, Civility and Community Service. After more than 20 years, in which Primerus has experienced tremendous growth in membership and expansion of services, we have never wavered from this commitment, and we never will.

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