

Adam Gasper successfully obtains injunctive relief in Federal Court for local commercial distributor, forcing large shipment of product

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Adam Gasper recently persuaded federal judge, Hon. Brian C. Wimes, to issue an injunction requiring a Colorado company to ship more than \$325,000 of product to their local client, a long-time distributor of commercial and industrial tools and building materials. The parties had a 25-year distributorship relationship that had recently deteriorated. The defendant purported to terminate the relationship and refused to honor the client's pending purchase orders. Given that the client had less than 30 days to try to obtain similar cover product, Mr. Gasper filed suit in Jackson County (then removed to the Western District) asserting various contract and tort claims and requesting extraordinary relief. The court granted their request for TRO and injunctive relief ruling that an injunction was appropriate to compel the Colorado company to ship inventory per previously placed purchase orders to preserve the status quo between the parties. Judge Wimes found irreparable harm in that "[a]bsent specific performance, Plaintiff has demonstrated that it will be unable to fulfill orders and suffer damage to its reputation and goodwill." The judge ordered all such inventory be shipped immediately and did not require posting of a bond. In an expedited timeframe, Mr. Gasper litigated multiple motions to dismiss by defendants, a motion for judgment on the pleadings, multiple injunction motions and hearings, a motion for clarification, and an opposition to voluntary dismissal of remaining claims. The injunction ruling survived multiple collateral attacks by opposing counsel, and the case has now reached its conclusion.