



Kelley Drye Scores Win in Indemnification Rights Case

January 5, 2007

Kelley Drye achieved a significant victory in the Florida District Court of Appeals for client Wes O'Brien, the former President of Precision Response Corporation ("PRC").

On behalf of O'Brien, Kelley Drye drafted the briefs and made the oral argument to persuade the Florida appellate court to vacate orders of the trial court and recognize his right to receive indemnification from PRC. In addition, the Court granted to O'Brien the right to recover the attorneys' fees he incurred in the appellate proceedings. The matter has been remanded for a determination of the amount of fees and expenses PRC has to pay.

The dispute arose after PRC terminated O'Brien and then initiated an arbitration claim against him alleging fraud and breach of fiduciary duty. The arbitrators rendered a decision against PRC with respect to each of its claims. Prior to the start of Kelley Drye's representation, PRC refused to honor O'Brien's right to receive indemnification for the expenses he incurred throughout the arbitration and O'Brien had been unable to convince the trial court that these rights should be enforced.