

Coberly Represents Grant Thornton as Second Circuit Sets Standard for “Timely Adjudication”

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Linda Coberly, vice chair of Winston & Strawn’s appellate and critical motions practice group, was quoted in the January 18, 2011 edition of *Am Law Litigation Daily*. In the article, “Second Circuit Revives Parmalat Case Against Grant Thornton, Sets New Standard for ‘Timely Adjudication’ in Abstention Analysis,” Ms. Coberly is noted for her representation of audit firm Grant Thornton LLP.

In 2009, Manhattan federal district court judge Lewis Kaplan granted summary judgment to Grant Thornton, ruling that Parmalat’s claims – which accused the audit firm of assisting in or failing to detect a fraud by the company’s management – were barred by the doctrine of in pari delicto. On January 18, 2011, a three-judge Second Circuit panel returned the case to Judge Kaplan for reconsideration of whether he should have abstained from exercising jurisdiction, based on whether the case could be ‘timely adjudicated’ in the state court where it was originally filed.

In regard to the question on abstention, Ms. Coberly told *Am Law*: “I thought the court explained what it is looking for. I continue to think we’ll be able to prevail.”

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