

## Winston Successfully Defends National Bank at Trial

NOVEMBER 15, 2010

Winston & Strawn represented a national bank in a suit in which a plaintiff, a “food seconds” company, alleged that the bank’s improper processing of payments and charging of overdraft fees had created “a temporary problem of liquidity” that induced their main supplier to terminate their business relationship. The plaintiff sought compensatory damages, in the form of lost commissions from this lost business relationship, as well as punitive damages.

In a four-day jury trial, litigation associate [Stacie Knight](#) successfully represented the national bank. Ms. Knight’s cross-examination of the plaintiff’s witnesses demonstrated how close the plaintiff operated to the margin, thereby exposing the problems in plaintiff’s causation case. Her cross-examination of the plaintiff’s expert brought out prior inconsistent testimony, thus damaging his credibility. Ms. Knight argued for, and obtained, special interrogatories to the jury that focused on the issue of proximate cause, thus minimizing the damage the plaintiff was able to claim. The jury found against the plaintiff on the issue of proximate cause and returned a verdict for our client on all of plaintiff’s claims.

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Stacie Knight