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Tom Freeman Warns Against Expanding Tort Liability in Contract Disputes in California Litigation Article

Bird Marella partner Tom Freeman authored an article for California Litigation, the annual publication by the California Lawyers Association, titled “Seaman’s Direct Buying Redux: Tortious Assertion of Contractual Liability.”

In his article, Mr. Freeman argues that California courts should resist efforts to transform ordinary contract disputes into tort cases, warning that such claims threaten the long-standing legal distinction between contract and tort law. Using the rise and fall of the landmark *Seaman’s Direct Buying Service v. Standard Oil* doctrine as a central example, Mr. Freeman explains how the same rationale that led the Supreme Court to reject the *Seaman’s* claim for bad-faith denialof contractual obligations also precludes a claim for bad faith assertionof contractual obligations.

Read the article and the full issue here.