

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Grynberg v. ENI S.p.A.

503 F. App'x 42 (2d Cir. 2012) · No. 11-3846-cv · Decided November 20, 2012

SUMMARY

The Second Circuit affirmed the Southern District of New York's grant of summary judgment to Eni S.p.A. on Jack Grynberg's unjust enrichment claim. The court held that Grynberg could not establish a sufficient relationship or connection with Eni and had not asserted a separate trade-secret misappropriation claim. The court further concluded that, even if such a claim had been considered, Grynberg presented no evidence that Eni knew the allegedly disclosed information was subject to a confidential relationship.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Richard C. Wesley; Denny Chin; David G. Larimer
JURISDICTION	Federal
DECIDED	November 20, 2012
DOCKET	11-3846-cv
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from an order granting Eni's motion for summary judgment and dismissing their unjust enrichment claim.
STANDARD OF REVIEW	De novo review of a grant of summary judgment.
PRECEDENTIAL VALUE	Nonprecedential summary order
PARTIES	Jack J. Grynberg, Grynberg Production Corporation (Texas), Inc., Grynberg Production Corporation (Colorado), Inc., Pricaspian Development Corporation (Texas) v. ENI S.p.A., formerly known as AGIP

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether summary judgment was proper on the plaintiffs' New York unjust enrichment claim where there was no relationship or communication between the plaintiffs and Eni.
2. Whether the plaintiffs had pleaded and supported a separate misappropriation-of-trade-secrets claim that avoided the traditional unjust enrichment requirements.

HOLDINGS

1. Summary judgment for Eni was proper because the plaintiffs could not establish a sufficient connection or relationship between themselves and Eni to support an unjust enrichment claim under New York law.
2. The plaintiffs did not assert a separate misappropriation-of-trade-secrets claim, and even if the court considered such a claim, summary judgment for Eni would still be appropriate because the plaintiffs offered no evidence that Eni knew the information was received in breach of a confidential relationship.

KEY QUOTATIONS

“Although privity is not required for an unjust enrichment claim, a claim will not be supported if the connection between the parties is too attenuated.” (503 F. App'x at 43)

FACTUAL BACKGROUND

Grynberg and three closely held companies owned by the Grynberg family claimed that Eni had been unjustly enriched through information allegedly received in connection with a joint venture. The plaintiffs argued on appeal that their claim was based on misappropriation of trade secrets and therefore did not need to satisfy the traditional elements of unjust enrichment. The record showed no relationship or communication between Grynberg and Eni, and no evidence that Eni knew the information was received in breach of a confidential relationship.

PROCEDURAL HISTORY

The United States District Court for the Southern District of New York, Daniels, J., granted Eni's motion for summary judgment on August 24, 2011, and dismissed Grynberg's unjust enrichment claim. The Second Circuit reviewed the judgment de novo and affirmed by summary order.

DISPOSITION

affirmed

CASES CITED

- S.E.C. v. Obus, 693 F.3d 276, 284 (2d Cir. 2012)
- Briarpatch Ltd., L.P. v. Phoenix Pictures, Inc., 373 F.3d 296, 306 (2d Cir. 2004)
- Mandarin Trading Ltd. v. Wildenstein, 944 N.E.2d 1104, 1110-11 (N.Y. 2011)