

Topic: Benefit Corporations & Litigation

Question by: Julia Dale

Jurisdiction: Michigan

Date: March 14, 2015

Jurisdiction	Question(s)
	For those jurisdictions enacting legislation providing for benefit corporations, are you aware of any litigation derived from claims that the entity either abandoned their commitment to their state public benefit purpose or did not materially demonstrate their commitment via some positive impact on society?
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	Arizona's benefit corp legislation went into effect on January 1 of this year. I am not aware of any such litigation at this time.
Arkansas	
California	
Colorado	
Connecticut	We only enacted our Benefit Corporations Act recently, effective Oct 1, 2014. No, we have not had any litigation experience at all, to date.
Delaware	
District of Columbia	In DC we had benefit corporation legislation since May 2013. I am not aware of any litigation related to benefit corporations.
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	

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Iowa	
Kansas	
Kentucky	
Louisiana	Louisiana has benefit corporations but I am unaware of any litigation related to them.
Maine	
Maryland	
Massachusetts	Massachusetts Benefit Corporation legislation was effective December 1, 2012. As of this date I do not know of any specific litigation.
Michigan	
Minnesota	Minnesota has only had public benefit corporations since January 1, so we have not yet had such litigation. The first annual reports by benefit corporations will be due in 2016. We expect that the information in those reports would be the basis of such litigation in appropriate places by shareholders. In Minnesota, third parties do not have standing to enforce the benefit mission.
Mississippi	
Missouri	
Montana	Benefit Corps are not a recognized business type in Montana so there are no ongoing or pending court cases at this time.
Nebraska	
Nevada	Nevada has adopted Benefit Corporations. We are not aware of any such litigation. As this is a relatively new animal, I would not expect to see litigation this soon.
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	
Ohio	

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Oklahoma	
Oregon	
Pennsylvania	
Rhode Island	Rhode Island enacted Benefit Corporations on July 17, 2013. I am unaware of any litigation.
South Carolina	
South Dakota	
Tennessee	In Tennessee, we have Benefit Corporation legislation pending. It isn't clear yet if it will pass this year.
Texas	
Utah	Not in Utah
Vermont	
Virginia	I am not aware of any such legislation in Virginia.
Washington	
West Virginia	
Wisconsin	
Wyoming	

Additional comments:

Full text of email:

For those jurisdictions enacting legislation providing for benefit corporations, are you aware of any litigation derived from claims that the entity either abandoned their commitment to their state public benefit purpose or did not materially demonstrate their commitment via some positive impact on society?

Thank you,

Julia Dale