

# MARKS & WEINBERG, P.C.

## Globe Metallurgical, Inc. v. Hewlett-Packard Co.

953 F.Supp 876 (E.D.Oh., 1996)

Hewlett-Packard approached Globe, proposing that Globe lease computer hardware from Hewlett-Packard together with software from Collier-Jackson and Q-Cim Development Laboratories. Hewlett-Packard said that this accounting and financial software would reduce Globe's computing costs. When the system did not work, Globe allowed Hewlett-Packard and the software vendors an opportunity to correct the situation. When they did not do so, Globe filed suit.

The court dismissed the breach of warranty claims because in the lease between Hewlett-Packard and Globe, Hewlett Packard disclaimed all express and implied warranties. Furthermore, the court dismissed Globe's fraud claims because of a standard integration provision in the lease: "This agreement, together with any Equipment Schedules executed hereunder, and any referenced attachments shall constitute the entire understanding between the parties and supersedes any previous communications, representations, or oral agreements whether verbal or written."

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