



Michigan Court of Appeals affirmed jury decision in favor of McCormick

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February 4, 2016

A multi-million dollar judgment in favor of a West Michigan farm equipment dealer was recently affirmed by the Michigan Court of Appeals. McCormick International had a contract to serve as the exclusive Michigan dealer of telescopic handlers manufactured and sold by Manitou, a multinational corporation. Despite McCormick's substantial investment and impressive sales in the first year, Manitou decided to sell the telehandlers through other dealers in Michigan without telling McCormick. Later, Manitou agreed to manufacture telehandlers that would be sold by Gehl Company's nationwide dealer network. The arrangement between Manitou and Gehl provided that neither would sell telehandlers to the other's dealers, leaving McCormick unable to meet its customers' demands for affordably priced telehandlers. McCormick filed suit after it was forced to close its business.

A jury in Ionia County found that Manitou violated the Michigan Farm Utility Equipment Act and the Michigan Antitrust Reform Act. The Court of Appeals affirmed the jury's decision that Manitou violated the two Michigan statutes by refusing to honor its dealer agreement and by excluding McCormick from being able to compete in the sale of telehandlers. The court also affirmed most of the damages awarded by the jury, finding that only a relatively small percentage of McCormick's claims could not be supported with documentary evidence. The outcome for McCormick was a decision affirming an award of \$4.4 million in damages, attorney fees, costs and interest.

Foster Swift represented McCormick International at trial and on appeal. The appellate team, headed by Richard Kraus and Josh Richardson, is pleased that a most deserving client has prevailed once again.

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