

Franchise, Dealer and Sales Representative Litigation

Miller Canfield represents franchisors, master franchisees, and manufacturers from many industries in disputes involving franchisees, dealers, distributors and sales representatives throughout the United States and in Canada, who choose our team for our extensive experience and track record of success.

We engage with our clients and are committed to their success. We are known for our prudent and business-oriented approach to franchise litigation. Franchise and sales-representative disputes are often contentious and, at times, personal. Our team is skilled at managing these cases from start to finish, using negotiation and business acumen to avoid litigation before it starts and successfully trying cases when necessary. We are adept at navigating the intricacies of franchise relationships and, in the process, work to put our clients' business goals at the forefront.

Representative Matters

Our experience includes:

- Refiner-Dealer/Refiner-Jobber-Dealer Relationships

Brand and trademark infringement

Brand image issues, including C-Store activity (bath salts, contraband, etc.)

Breach of contract, including mystery shopper violations

City ordinance violations at dealer locations

Credit card processing disputes

Cross-hauling

Dealer eviction

Deed and other use restrictions (including franchisor and jobber restrictions)

Enforcement and collections of personal guarantees

Foreclosures

Fraudulent inducement

Improvement agreements and related claims

Jobber/dealer bankruptcy

Misbranding matters

Pre-termination negotiations and mutual cancellations

Price discrimination and overcharge claims, including Robinson Patman Act and open pricing terms

Uniform Commercial Code disputes regarding dealer tankwagon, jobber rack pricing

Product delivery claims

Product quality and dilution

Refiner to refiner sublicenses

State-based motor fuel dispensing services statutory requirements

Trade secrets, including claims under the Uniform Trade Secrets Act

Termination and non-renewal

Tortious interference claims

Continued

- Termination disputes and counseling
- Contract and compliance disputes
- Encroachment disputes
- Commission disputes
- Protecting trademarks, service marks, and trade dress
- De-branding litigation
- Enforcing non-compete agreements
- Antitrust and pricing disputes
- Class and collective actions
- Temporary restraining orders and preliminary injunctions
- Enforcing agreements to arbitrate and confirming arbitration awards
- Labor and employment disputes
- Tort litigation including personal injury, vicarious liability, intentional torts, libel and slander (including social media issues)
- Product liability and product warranty disputes
- Insolvency and collection issues