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CLEVELAND

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Services

Litigation and Dispute Resolution

- Arbitration and Alternative Dispute Resolution
- Automotive Litigation
- Class and Collective Actions
- Commercial and Corporate Litigation
- Environmental Litigation
- Franchise, Dealer and Sales Representative Litigation
- Product Liability and Torts
- Real Estate and Construction Litigation

Corporate and Transactions

Environmental

Financial Services

- Commercial Lending
- Enforcement, Insolvency and Litigation

Industries

Automotive

Construction

Energy

Financial Institutions

Manufacturing

Next Generation Vehicles and Mobility

Amy M. Johnston

Principal
Litigation and Dispute
Resolution Group Co-Leader



Amy M. Johnston is a seasoned litigator who specializes in complex commercial disputes and class actions with an emphasis on banking, energy, manufacturing and real estate industries.

With more than 25 years of courtroom and commercial arbitration experience, Amy has represented large and small companies in business, trade secret, anti-trust, PMPA, environmental, oil and gas royalties, electric energy, utility accounting, avoided costs, FERC, PURPA, class actions, construction, real estate, UCC, petroleum marketing and branding, mass tort, contract and product liability matters. She has also represented lender clients in defensive litigation as well as real estate workouts and foreclosures in Michigan and Ohio.

Clients routinely look to Amy as trusted counsel. She excels at client service and is well-known for her skills, depth, breadth and outstanding reputation in the legal community. Her experience in representing companies from pre-litigation through trial enables her to provide insight into litigation avoidance as well as trial strategies for successful outcomes. Amy's practice is nationwide, having represented clients in state and federal courts and arbitration hearings throughout the United States.

Throughout the years, Amy has established solid relationships with clients and developed a deep knowledge and understanding of clients' business objectives. Amy regularly serves as general business counsel to a wide range of companies, from Fortune 500 to start-up. Amy is highly regarded for providing advice on a broad range of business and legal matters with an eye toward consistency in process and long-term business solutions.

Amy M. Johnston

Education

University of Detroit Mercy
School of Law, J.D.

University of Michigan, B.G.S.

Bar Admissions

Ohio

Michigan

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals

- Sixth Circuit
- Seventh Circuit
- Ninth Circuit

U.S. District Courts

- Eastern District of Michigan
- Western District of Michigan
- Northern District of Ohio
- Southern District of Ohio
- Central District of Illinois
- Northern District of Indiana
- Eastern District of Wisconsin

United States Court of
International Trade

Amy is publicly recognized as a leading lawyer. She was named to the Legal 500 US Detroit Elite for Commercial Disputes in 2026 and has earned numerous additional accolades throughout her career. She was named in *Crain's Detroit Business'* Notable Litigators and Trial Attorneys in 2025, *Crain's Detroit Business'* Notable Women in Law in 2024, and was honored for her leadership by *Michigan Lawyers Weekly* as a recipient of the "Leader in the Law" award in 2021, and "Women in the Law" award in 2014. Since 2020, she has been named as one of the Best Women Lawyers in America by *Best Lawyers®*, as well as recognized in the top 5 Women Lawyers and top 10 Women Business Lawyers by *Leading Lawyers*. In addition, she has been recognized on *U.S. News & World Report's* "Top 25 Women Lawyers in Michigan" list since 2016, "Top 50 Women Lawyers in Michigan" since 2011 and "Best Lawyers in America" since 2008. She has been a Fellow of the Litigation Counsel of America, the trial lawyer honorary society, since 2007.

Amy is also the former Chair of Miller Canfield's Managing Directors.

Representative Matters

Amy has extensive experience in a variety of accounting, commercial, energy, environmental, product liability, and utility disputes, including class action litigation as noted below

Banking

- Successfully defended lenders against allegations of fraud, UCC violations, breach of contract and conspiracy theories.
- Successfully defended Special Servicer in Certificateholders' action alleging breaches of Master Pooling and Servicing Agreement.
- Represented lenders in commercial foreclosure actions in Michigan and Ohio.

Business Disputes

- Secured multiple preliminary injunctions and/or favorable settlements for large automotive manufacturer against suppliers arising out of disputes on pricing, purchase order terms and conditions, disruption costs and sub-supplier delays.
- Obtained summary judgment for biotechnology drug company in defense to breach of contract and breach of shareholder agreements.

Amy M. Johnston

- Successfully defended biotechnology company in shareholder derivative action, involving allegations of Securities Act violations, breaches of fiduciary duty and loyalty, and unjust enrichment.
- Represented multiple closely held corporations in unfair trade practices, pricing and covenants not to compete disputes in courts in New York and Michigan.
- Successfully secured dismissal of challenges to revised terms in franchisor's renewal agreements brought by franchisees in federal court.
- Represented many small and mid-sized corporations in minority shareholder oppression, share dilution and derivative actions.
- Defended local manufacturing company and obtained summary judgment in case concerning corporate dissolution and allegations of breaches of various contracts and shareholder agreements, fiduciary duties and bad faith.
- Successfully defended closely held corporation in minority shareholder oppression, breach of fiduciary duty and breach of contract case, resulting in an ability to commence a counter-suit and obtain a large monetary award for the client.
- In separately litigated matters, Amy has secured preliminary injunctions in various federal and state courts for trademark violations under the Lanham Act for cross-hauling, misbranding and other related trademark issues. Amy regularly represents companies experiencing trademark infringement, including but not limited to counterfeiting and/or misbranding of consumer products.

Class Action

- Successfully defended one of the "Big 3" automotive manufacturers in multiple litigations concerning faulty products.
- Defended various industries in putative class action cases brought under nuisance and negligence theories from purported industrial emissions.
- Successfully defended major oil company in putative class action involving allegations of underground storage tank leaks and related groundwater contamination.
- Represented major oil company in putative class action concerning nuisance and negligence allegations arising from an explosion at a refinery.
- Defended large tobacco company in putative class action involving allegations of false branding/labeling.

Construction/Real Estate

- Represented developers, builders and real estate management companies in commercial lease, land use, partnership, business torts and related environmental issues.
- Represents one of the world's largest publicly traded engineering, procurement, construction and project management companies in various construction-related disputes involving claims of negligence, misrepresentation, breach of contract, unjust enrichment, improper termination and scheduling issues.

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- Enforced deed and use restrictions for various commercial properties, including gas stations, retail outlets and franchises, concerning brand, product and site limitations in courts in Michigan, Ohio, Indiana, Illinois and Wisconsin.
- Represented large refinery in construction-related claims arising from expansion of the facility.
- Handled oil well development disputes that have included contract negotiation, real estate (title, zoning, easement), trespass, nuisance, adverse possession and development rights.

Energy

- Obtained dismissal for Michigan's largest public energy company in overriding royalty dispute concerning allegations of breach of fiduciary duty, alter ego, fraudulent drainage and lack of unitization of a gas field.
- Successfully defended major oil companies in complex litigation matters concerning upstream natural gas production involving application of foreign and state laws.
- Represented large natural gas energy company in contract negotiations concerning hot flame, transportation, propane and pricing issues.
- Extensive experience representing investors, financial institutions and development/drilling companies and manufacturers in oil and gas leases, developments, easements, land restrictions/platting, royalties, timber/vegetation and related disputes. Experience ranges from lease negotiation and drafting through litigation. Amy has handled oil and gas lease issues in Michigan and Ohio.
- Successfully prosecuted multi-million dollar claims of large petroleum company for breach of contract, warehouseman's liability and account stated arising from asphalt storage tank failure.
- Represented large oil pipeline in prosecuting claims of breach of contract and violations of the Uniform Commercial Code in relation to faulty additives manufactured by defendant.
- On numerous occasions, Amy has represented major refiners and franchisors in all aspects of petroleum marketing-related counseling and litigation, including terminations pursuant to the Petroleum Marketing Practices Act (PMPA) and multi-dealer litigation involving unfair pricing, product shrinkage, assignment and other franchise related issues in courts throughout the United States, including Alabama, Florida, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, Tennessee, Texas and Wisconsin.
- Lead counsel in \$270 million arbitration representing Michigan's largest public utility in power purchase agreement dispute centered on utility accounting and methodologies, including avoided costs distinctions, capitalization, discount rates, health care and post-employment benefits, FERC Form 1 and MPSC P-521 accounting, PURPA and other regulatory implications.
- Successfully represented large utility in multi-million dollar transmission, metering agreement and electric line loss dispute involving interpretation of MISO tariffs and FERC regulations.
- Represented principal developer of one of Michigan's largest brownfield redevelopments in trade secrets dispute with former contractor relating to water filtration technology.
- Successfully prosecuted and defended Michigan's largest public utility company in an operating and power purchase agreement dispute with a large energy cooperative concerning the retirement of a coal-fired electric

Amy M. Johnston

energy plant.

Environmental

- Representation of a railroad contractor in a third-party complaint filed by a freight railroad company seeking environmental cost recovery and contribution following a train derailment which released over one million gallons of hazardous materials—an unprecedented action by a railroad against tank car owners that directly affects railcar and environmental response litigation.
- Defended various industries in putative class action cases brought under nuisance and negligence theories from purported industrial emissions from various chemicals (benzene, carbon monoxide, hydrogen sulfide, methyl ethyl ketone, sulfur dioxide, VOCs).
- Successfully defended major oil company in putative class action involving allegations of underground storage tank leaks and related groundwater contamination.
- Defended various industries in differing chemical emissions (PFAS, lead, mercury) against allegations of groundwater contamination.
- Successfully represented water treatment facility in connection with injury, commercial and cost recovery claims from waste water disposal and alleged environmental contamination.
- Represented major oil company in putative class action concerning environmental nuisance and negligence allegations arising from an explosion at a refinery.

Government-Related Product Investigations

- Represented major manufacturer in a DOC and ITC investigation into certain steel wheels supplied from the People's Republic of China with respect to potential anti-dumping (ADD) and countervailing duties (CVD). Matter concerned economic and quality-related factors establishing necessity of certain imports; and providing information for the government's consideration in determining whether to impose ADD and CVD, and import penalties under the critical circumstances standard.
- Represented multiple United States-based and multinational manufacturing companies with international supply chains in tariff and duty challenges imposed under Section 301 of the Trade Act of 1974, one of the principal statutes by which the United States enforces trade agreements and addresses unjustifiable burdens on U.S. commerce.
- Amy is licensed to practice before the United States Court of International Trade.
- Represented major vehicle manufacturer and multiple major automotive and recreational vehicle suppliers in connections with regulatory investigations and compliance procedures. Amy has counseled both knowledgeable and novice clients on safety-defect investigations and all aspects of recalls, from inception through execution.

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Personal Injury Litigation Defense

Lead trial counsel in a number of personal injury cases involving wrongful death, amputation, scalping and various other injuries brought on theories of negligence, strict liability, nuisance, contractor liability and related claims in cases throughout the United States.

Product Liability Litigation

Trial counsel in a hundreds of product liability cases, including the defense of design, manufacturing, UCC and warning theories. Amy's extensive product liability experience includes, among others:

- Automotive (airbags, brakes, engines, fires, seats, rollover and roof crush)
- Chemicals (PFAS, benzene, methane, lead, VOCs, carbon monoxide, methyl ethyl ketone, sulfur dioxide, hydrogen sulfide)
- Consumer Products (food contamination, household products, tobacco and tools)
- Industrial Equipment (storage tanks, pipeline, hi-lo, vertical broaching machine, lifts)
- Oil and Gas
- Tires and Wheels (over-inflation, under-inflation, tread defects, structural wheel challenges)

Trademark Disputes/Anti-Counterfeiting

In separately litigated matters, Amy has secured preliminary injunctions in various federal and state courts for trademark violations under the Lanham Act for cross-hauling, misbranding and other related trademark issues. Amy regularly represents companies experiencing trademark infringement, including but not limited to counterfeiting and/or misbranding of consumer products.

Honors

Legal 500 US Detroit Elite, Commercial Disputes, Band 1, 2026

Chambers USA, General Commercial Litigation, 2023–present

Crain's Detroit Business, Notable Litigators and Trial Attorneys, 2025; Notable Women in Law, 2024

Litigation Counsel of America, The Trial Lawyer Honorary Society, State of Michigan Delegation Co-Chair, 2007-2013; Fellow, 2007–present

Top 50 Women Attorneys in Michigan, American Registry, 2023

Michigan Lawyers Weekly, Leaders in the Law, Class of 2021; Women in the Law, Class of 2014

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Hour Detroit, 2021 Top Lawyers: Women Leaders

America's Most Honored Lawyers, 2020–present

DBusiness Top Lawyers, 2011–present:

Commercial Litigation

Product Liability

Arbitration

Best Lawyers in America, 2008–present

Personal Injury Litigation – Defendants

Mass Tort Litigation/Class Actions – Defendants

Product Liability – Defendants

Commercial Litigation

Michigan Super Lawyers, 2006–present

Business Litigation

Personal Injury Defense: Products

Top 25 Michigan Business Women

Top 50 Michigan Women

Top 100 in Michigan

Cambridge Who's Who, 2009

Marquis's Who's Who of Business Professionals, 2009

Marquis's Who's Who of Emerging Leaders, 2007

Leading Lawyers, Class Action/Mass Tort Defense Law, Commercial Litigation, Products Liability Defense Law, 2014–present

Professional Activities

International Society of Barristers, Member

American Bar Foundation, Fellow

Michigan State Bar Foundation, Fellow

Oakland County Bar Foundation, Fellow

Michigan Supreme Court, Committee on Model Jury Instructions, Jan. 1, 2017–Dec. 31, 2021

American Bar Association, Section of Environment, Energy and Resources Petroleum Marketing Committee, Chair 2007–2008, 2008–2009; Vice Chair, Membership, 2009–present

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American Inns of Court, Master of the Bench, 2003-2011

Diversity Law Institute

The Trial Law Institute

Association of Defense Trial Counsel

Defense Research Institute, E-Discovery Committee Member

Federal Bar Association

Michigan Defense Trial Counsel

Ohio Bar Association

State Bar of Michigan

International Franchise Association

Leadership Oakland XVII, Vice President

Product Liability Advisory Council (PLAC)

Civic, Cultural & Social Activities

Catholic Lawyers' Society, President, 2006-2008; Vice President, 2005-2006

Speeches

Amy frequently presents on trial practice and procedure, and business and personal injury litigation issues. She has been a speaker and moderator at various State Bar of Michigan, Ohio Bar Association and American Bar Association conferences. She also provides private presentations to large and small businesses on litigation considerations, including risk management, litigation avoidance, evidence preservation and alternative dispute resolution.

Publications

"Tools for the Defense Deposition," co-authored with Erika Giroux, *Michigan Bar Journal*, March 2020

"Practical Advice for Obtaining Favorable Alternative Dispute Resolution Outcomes," *Inside the Minds™: Trends in Alternative Dispute Resolution* (Thomson Reuters/Aspatore 2012)

"The PMPA Landscape After *Mac's Shell*: A Survey of Significant PMPA Decisions in 2011," (co-author Robert E. Murkowski), ABA Section of Environment, Energy, and Resources, 2012

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"Litigation Damages in the Petroleum Marketing and Franchise Industry," American Bar Association, Forum on Franchising (October 2007)

"Homeland Security, the Patriot Act and Effects on the Petroleum Marketing and Franchise Industry," American Bar Association, Forum on Franchising (October 2007)

"Alternative Dispute Resolution as a Cure to the Product Liability Epidemic," ADR Journal (June 1997)

"Fairness vs. Surprise: The Rebuttal Evidence Debate," 77 University of Detroit Law Review 531 (2000)

Articles

Property Owners: Don't Let Michigan's New Slip-and-Fall Case Law Trip You Up

Section 301 Tariffs On China-Based Manufacturing: Here to Stay (For Now)

Importers Seek Relief from Section 301 Tariffs on China-Based Manufacturing

High Court Ruling on Constructive Termination Seen as Victory For Franchisors