

DETROIT

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Services

Financial Services

Commercial Lending
Enforcement, Insolvency and
Litigation

Intellectual Property

Intellectual Property Litigation
Trade Secrets and Non-
Competes

Trademarks and Brands

Litigation and Dispute Resolution

Antitrust and Trade Regulation

Appeals

Automotive Litigation

Class and Collective Actions

Commercial and Corporate
Litigation

Criminal Defense Litigation

Product Liability and Torts

Professional Liability and
Malpractice Litigation

Securities Litigation

Industries

Automotive

Financial Institutions

Higher Education

Education

Wayne State University Law
School, J.D., 2009

Eastern Michigan University, B.S.,
2006

Bar Admissions

Michigan



Robert E. Murkowski

Principal

Robert E. Murkowski is a principal in the firm's Litigation and Dispute Resolution Group and a co-leader of the firm's Automotive industry team.

Robert represents clients in various complex commercial, corporate, antitrust, class action, contract, non-compete/NDA, sales commission/sales representative, intellectual property, trade secret, construction, securities, insurance, professional liability, fraud, tort, product liability, premises liability, asbestos, no-fault, and criminal defense matters in both federal and state courts and arbitrations.

As a Co-Leader of the firm's Automotive industry practice group, Robert regularly represents Original Equipment Manufacturers (OEMs) and tiered automotive suppliers in negotiating and litigating automotive supply disputes, stop-ship situations, sales commission/sales representative claims, warranty or indemnification matters, resourcing, insolvencies, pricing and tooling disputes, terms and conditions, contracting and supply chain risks, and other issues involving the Uniform Commercial Code (UCC). Robert currently serves as counsel to the Original Equipment Supplier Association (OESA), an organization representing automotive industry suppliers.

He also specializes in corporate and shareholder disputes involving minority shareholder or member oppression, class actions, derivative claims, Special Litigation Committees, director and officer liability, fiduciary duties, and other corporate issues. Robert has experience defending securities brokers and financial advisors against claims before the Financial Industry Regulatory Authority (FINRA), class actions, SEC enforcement actions, and other criminal or regulatory investigations. Additionally, Robert is a member of the firm's Intellectual Property Group, and has litigated a variety of patent, trademark, and trade secret disputes.

Robert E. Murkowski

Court Admissions

Eastern District of Michigan
Western District of Michigan
Southern District of New York
U.S. Court of Appeals for the
Sixth Circuit

Michigan Super Lawyers has named Robert as one of their "Rising Stars" in Business Litigation every year since 2013. He was also named an "Up & Coming Lawyer" by *Michigan Lawyers Weekly* in 2015, and a *Top lawyer* by *dBUSINESS Magazine*. Robert is active in state and federal bar associations, and is a member of the Board of Directors of the Detroit Bar Association, a Council Member for the State Bar of Michigan's Antitrust, Franchising & Trade Regulation Section, and holds leadership positions with the American Bar Association and Michigan Defense Trial Counsel (MDTC).

Prior to joining Miller Canfield, Robert worked in the United States Attorney's Office in Detroit, and was a judicial intern for the Honorable Arthur J. Tarnow of the U.S. District Court for the Eastern District of Michigan.

Representative Matters

Foreign Company Product Liability Litigation

Persuaded federal court to dismiss multi-million dollar product liability claim for lack of personal jurisdiction over foreign corporation.

Civil RICO Defense

Persuaded federal court to dismiss RICO/fraud action based upon allegations of improper billing, persuaded arbitrator to dismiss claims.

Personal Trust Litigation

Persuaded trial court to grant motion for summary disposition for lack of personal jurisdiction over out-of-state trustees to personal trust.

Employment Litigation

Persuaded trial court to grant motion for summary disposition for failure to state a claim for alleged violation of Michigan's Bullard-Plawecki Employee Right-to-Know Act.

Trade Secret Litigation

Persuaded trial court to deny plaintiff's request for temporary restraining order for alleged misappropriation of trade secrets.

Commercial Transaction Litigation

Obtained denial of plaintiff's request for temporary restraining order in stop-shipment lawsuit seeking injunction for continued shipment of goods

Civil RICO Litigation

Obtained dismissal of RICO claims and displacement of state court common law claims based on Michigan Uniform Trade Secrets Act.

Robert E. Murkowski

Civil RICO Litigation

Represented City of Detroit in investigation and civil litigation relating to alleged criminal enterprise, persuaded court to permit City of Detroit to intervene and rule that municipality's tort claims against Defendants belonged to the City of Detroit, and obtained eight-figure settlement on behalf of the City of Detroit.

Petroleum Marketing Practices Act Litigation

Persuaded federal court to dismiss Petroleum Marketing Practices Act (PMPA) claims and obtained summary judgment in state court on breach of contract counterclaim.

Non-disclosure Injunction

Successfully obtained injunction preventing disclosure of confidential information in violation of non-disclosure agreement.

Stop-shipment Litigation

Represented numerous OEM and tier automotive suppliers in stop-shipment lawsuit.

Automotive Supplier Dispute

Successfully represented large automotive supplier and obtained order denying issuance of injunction for supply of automotive parts.

Automotive Supplier Competitiveness Dispute

Successfully represented large automotive supplier in multi-million dollar competitiveness dispute.

School District Contract Litigation

Represented public school district in its lawsuit seeking to recover millions of dollars of funds which the school district paid to various vendor defendants that did not have authorized contracts. Assisted in successfully securing eight-figure settlement for the district and multi-million dollar judgments.

Financial Institution Non-Disclosure and Non-Compete Dispute

Represented major financial firm and obtained injunction preventing disclosure and solicitation of firm's clients.

Securities Firm Dispute

Represented securities firm in trustee dispute, argued, and obtained dismissal of \$1M claim.

Oil and Gas Franchisor Contract Dispute

Represented oil and gas franchisor and obtained dismissal of franchisee's claims (breach of contract and Petroleum Marketing Practices Act claims).

Municipality Land Use Dispute

Represented municipality and assisted in obtaining dismissal of multi-million dollar equal protection and due process violation claims challenging application of ordinances.

Individual Federal Habeas Corpus Petition

Briefed and argued federal habeas corpus petition.

Robert E. Murkowski

Reported and Published Decisions

Indus Concepts & Engineering, LLC v. Superb Industries, Inc., 2016 WL 3913711 (E.D. Mich. July 20, 2016) (granting motion to dismiss various claims in multi-million dollar fraud, breach of fiduciary duty, business tort action)

In re ITC Holdings Corp. Shareholder Litigation, Case No. 16-151852-CB, Oakland County Business Court (Mich. Cir. Ct. June 8, 2016) (business court opinion available [here](#).) (dismissing class action shareholder claims for breach of fiduciary duty challenging \$11.3 billion merger)

Khushaim v. Tullow, Inc., 2016 WL 3594752 (E.D. Mich. June 27, 2016) (granting motion to dismiss fraud, breach of fiduciary duty, and various tort claims in action for \$27 million in lost revenues)

Tyler v. Speedway LLC, 2016 WL 1039952 (Mich. App. Mar. 15, 2016) (affirming grant of summary judgment on premises liability claim)

Pingel v. Speedway LLC, 2014 WL 4054987 (E.D. Mich. Aug. 4, 2014) (granting summary judgment on premises liability claim)

Mattatall v. Transdermal Corp., 2014 WL 1515661 (E.D. Mich. April 18, 2014) (granting summary judgment on multi-million dollar breach of contract claim)

Pravettone v. Cargotec OYJ, et al., 2013 WL 3936467 (E.D. Mich. 2013) (persuaded federal court to dismiss multi-million dollar product liability action)

C&L Ward Bros, Co. v. Outsource Solutions, Inc., et al., 2014 WL 4347502 (Mich. App. 2014) (affirmed dismissal of challenge to arbitration decision for \$450k in alleged fraud/overbilling)

C&L Ward Bros, Co. v. Outsource Solutions, Inc., et al., 2012 WL 3157005 (E.D. Mich. 2012) (persuaded federal court to dismiss RICO/fraud action based upon allegations of improper billing, persuaded arbitrator to dismiss claims); 574 Fed. Appx. 741 (6th Cir. 2013) (affirmed on appeal)

Schwein v. State Farm Mutual Automobile Insurance Co., 2013 EL 4605892 (E.D. Mich. Aug. 29, 2013) (granting motion for partial dismissal on no-fault and MCPA claims)

Sarah T. Dark, et al. v. Lynn Thompson, et al., Case No. 13-438-ML (Mich. Prob. Ct. Washtenaw Cty. 2013) (persuaded trial court to grant motion for summary disposition for lack of personal jurisdiction over out of state trustees to personal trust)

Roth v. UBS Financial Services, Inc., Case No. 2013-133544-CZ (Mich. Circ. Ct. Oakland Cty. 2013) (persuaded trial court to grant motion for summary disposition for failure to state a claim for alleged violation of Michigan's Bullard-Plawecki Employee Right to Know Act)

Ride Control, LLC v. Meritor, Inc., et al., Case No. 2013-132903-CZ (Mich. Circ. Ct. Oakland Cty. 2013) (granting summary judgment on multi-million dollar trade secret claims)

Robert E. Murkowski

Medsource LLC, v. DeRoyal Industries, Inc., Case No. 12-11946 (E.D. Mich. 2012) (granting motion to dismiss RICO claims and state common law claims in multi-million trade secret dispute)

Macomb Interceptor Drain Drainage Dist. v. Kilpatrick, et al., 896 F. Supp. 2d 650 (E.D. Mich. 2012) (persuaded court to permit client to intervene and rule that multi-million dollar tort, fraud, and RICO claims belonged to client)

Finazzo v. Speedway LLC, 2012 WL 3966371 (E.D. Mich. Sept. 11, 2012) (granting summary judgment on premises liability claim)

Toor Petroleum, Inc. v. Marathon Petroleum, 2011 WL 4351614 (S.D. Ohio 2011) (persuaded federal court to dismiss Petroleum Marketing Practices Act (PMPA) claims and obtained summary judgment in state court on breach of contract counterclaim)

Stillwater Funding, LLC, v. Platte, Klarsfeld, Levine & Lachtman, LLP, et al., Case No. 651998/2010 (N.Y. Sup. Ct. 2010) (successfully obtained injunction preventing disclosure of confidential information in violation of non-disclosure agreement)

School District of the City of Detroit v. Hill, et al., Case No. 08-116305-CZ (Mich. Circ. Ct. Wayne Cty. 2010) (represented school district in investigation and highly contested fraud lawsuit seeking to recover millions of dollars in misappropriated funds paid to various vendors with unauthorized contracts, persuaded court to grant summary disposition and rule wire payments were illegal, successfully obtained eight-figure settlement and multi-million dollar judgments for the school district)

Honors

DBusiness Magazine, Top Lawyers, 2021-present:

Antitrust Law

Litigation

State Bar of Michigan Pro Bono Honor Roll, 2020, 2022, 2024

Michigan Lawyers Weekly Up and Coming Lawyer Award, 2015

Michigan Super Lawyers, Business Litigation, 2021-present; Rising Star, 2013-2019

Wayne State University Law School, cum laude; Wayne Law Review, Managing Editor; National Competition Mock Trial Team, Captain; Bronze Key Award Recipient; Gold Key Award Recipient; Faculty Annual Award Recipient; Board of Governors Scholarship

Eastern Michigan University, cum laude; EMU Honors College; Presidential Scholar; Student Government Student Body President; Pi Sigma Alpha, President

Eastern Michigan University, Outstanding 2011 Young Alumnus Award

Robert E. Murkowski

Federal District Court, Eastern District of Michigan, Pro Bono Honoree, 2012-present

Professional Activities

Federal Bar Association, Eastern District of Michigan

American Bar Association, Intellectual Property Section, Young Lawyers Division

State Bar of Michigan, Antitrust, Franchising & Trade Regulation Section; Business Law Section; Character & Fitness Committee

Michigan Defense Trial Counsel, Young Lawyers Section, Former Chair

Michigan Bar Journal Committee and Editorial Board

Detroit Bar Association, President, 2021-2022; President-Elect, 2020-2021; Secretary/Treasurer, 2019-2020; Board of Directors, 2014-present

Polish American Legal Society (PALS)

Securities Industry and Financial Markets Association

Civic, Cultural & Social Activities

Cowdens Syndrome Foundation

Greenfield Village Historic Baseball Team

Eastern Michigan University Alumni Association, Board of Directors

Greenfield Village Young Professionals

Speeches

39th annual Eastern Michigan University Undergraduate Symposium, Keynote Speaker, March 29, 2019

"Report from SIFMA (Securities Industry + Financial Markets Association)," Miller Canfield Before the Bell Breakfast Forum, April 11, 2013

Publications

"The Future of Disclosure-Only M&A Class Action Settlements in Michigan, Post-*Trulia*," co-authored with Todd Holleman, Spring 2017

Contributor, 2013 Annual Broker Dealer Survey, Securities Industry and Financial Markets Association

Robert E. Murkowski

"What You Need to Know About the Newly Proposed Federal Trade Secret Legislation," ABA Newsletter, Intellectual Property and Internet Law, 2013

"DOJ Warns of Widening Probe in Automotive Industry," Miller Canfield e-alert, March 6, 2013

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

Annual Survey of Michigan Law, Professional Responsibility, 56 Wayne L. Rev. 507 (2010)

Articles

New Michigan Supreme Court Ruling: A Must-Read for All Automotive and Manufacturing Companies

Michigan Governor Gretchen Whitmer Reopens Manufacturing

Michigan Supreme Court Approves Significant Changes to Michigan Court Rules Effective January 1, 2020

Michigan Supreme Court Clarifies Statute of Limitations for Shareholder/Member Oppression Claims

Justice Department Policy Changes Limit Avenues of Immunity for Antitrust Crimes

But That's Just, Like, Your Opinion, Man: U.S. Supreme Court Clarifies Executive Statement Liability Under Securities Law

Sixth Circuit Adopts New Corporate Scierter Test in Securities Cases