

DETROIT

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Services

Intellectual Property

Intellectual Property Litigation
Trade Secrets and Non-Competes

Litigation and Dispute Resolution

Antitrust and Trade Regulation
Appeals

Arbitration and Alternative
Dispute Resolution

Class and Collective Actions

Election and Political Law

Franchise, Dealer and Sales
Representative Litigation

Industries

Automotive

Higher Education

Education

University of Michigan Law School,
J.D. 1976

Ohio State University, M.C.R.P.

Miami University, Ohio, A.B. 1970

Bar Admissions

District of Columbia

Michigan

Court Admissions

U.S. Supreme Court

U.S. Courts of Appeals

- District of Columbia Circuit
- Sixth Circuit



Larry J. Saylor

Senior Counsel

Larry Saylor litigates complex business disputes in state and federal courts throughout the country, and in domestic and international arbitration.

He handles antitrust, trade secret, consumer protection, franchising, and dealer law matters, including class actions, injunctions, and appeals. He has resolved highly technical matters involving computer software, auto parts, pharmaceuticals, health care, and product design. Larry also counsels clients on antitrust, franchising and dealer law issues, and acts as an arbitrator and mediator.

Rated AV Preeminent by Martindale-Hubbell, Larry is recognized by Best Lawyers in America for litigation, antitrust, appeals, commercial litigation, and intellectual property litigation, and was named a "Lawyer of the Year" by Best Lawyers in 2015. Larry served as chair of the Antitrust, Franchising, and Trade Regulation Section of the State Bar of Michigan and as an adjunct professor at University of Detroit Mercy School of Law, where he taught a course on franchising and dealer law.

Before joining the firm, Larry was Law Clerk to The Honorable George E. MacKinnon, United States Court of Appeals, D.C. Circuit.

Representative Matters

Antitrust - Automotive Supplier

Counsel for an international auto supplier in multi-district class actions alleging price fixing and market allocation.

Antitrust - Hospital System

Represented hospital system challenging the enforceability of an exclusive contract between a cancer center and an academic hospital.

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- Seventh Circuit
- Tenth Circuit

U.S. District Courts

- Eastern District of Michigan
- Western District of Michigan
- District of Columbia
- Northern District of Illinois

Antitrust - Engineering Software Company

Antitrust counterclaim on behalf of engineering software vendor defending trade secret claims by a competitor.

Antitrust - Furniture Manufacturer

Defended a furniture manufacturer against price discrimination claim by a terminated retailer in the District of Oklahoma.

Antitrust - Computer and Software Vendor

Co-counsel for major computer and software vendor defending antitrust and intellectual property claims by a competitor seeking damages in excess of \$1 billion.

Antitrust - National Grocery Retailer

Defended a national grocery retailer against claims of attempt to monopolize and tortious interference brought by a local retailer. The district court granted summary judgment dismissing all claims.

Trade Secrets - Automated Machinery Manufacturer

Defended former chief technical employee against trade secret and noncompete claims by a manufacturer of automated machinery. Settled after successful appeal.

Trade Secrets - Engineering Software Company

Defended engineering software company against claims of trade secret misappropriation brought by a competitor. The district court denied plaintiff's motion for preliminary injunction and dismissed its "inevitable disclosure" claim.

Trade Secrets - Computer Manufacturer

Co-counsel for a major computer manufacturer defending against antitrust and intellectual property claims by a competitor seeking damages in excess of \$1 billion. The matter was settled during trial.

Trade Secrets - Automated Machinery Manufacturer

Represented automated industrial machinery vendor as plaintiff in trade secret claims against former employees and a competitor.

Class Actions - School District

Represented an urban school district against claims by a putative class of taxpayers seeking to recover in excess of \$100 million collected on property taxes that had expired. The state Court of Appeals and Supreme Court ordered all claims dismissed.

Class Actions - Window Manufacturer

Defended a national window manufacturer in a proposed class action alleging fraud in the sale and pricing of replacement windows. The state trial court dismissed the complaint and ordered arbitration, and the arbitrator denied

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claimants' motion to certify a class.

Class Actions - Hospital System

Defended a hospital system against allegations that its charges for providing medical records in response to subpoenas were excessive, in violation of the state Consumer Protection Act and Patients' Bill of Rights. The state Supreme Court ordered the complaint dismissed for failure to state a valid claim.

Class Actions - Cellular Service Provider

Represented a cell phone carrier in defense of a claim that charges for air time were inadequately disclosed, and seeking more than \$200 million in damages under the Consumer Protection Act.

Class Actions - Financial Institution

Represented a mortgage lender in defense of class claims in two matters challenging prepayment penalties in residential mortgage loans under usury statute and Consumer Protection Act. Both cases were settled after an appeal to the Michigan Court of Appeals.

Class Actions - Prescription Drug Manufacturer

Represented a prescription drug manufacturer in defense of price-fixing claims by a putative national class of drug retailers in a multi-district proceeding in the Northern District of Illinois.

Contract, Dealer and Franchise - Furniture Manufacturer

Defended a national furniture manufacturer against breach of contract claims by retailers in Mississippi and California.

Contract, Dealer and Franchise - Engine Manufacturer

Represented a manufacturer in defense of claims by terminated dealer under the Wisconsin Fair Dealer Law. The Seventh Circuit reversed a preliminary injunction entered by the Eastern District of Wisconsin.

Contract, Dealer and Franchise - Automotive Supplier

Defended an international auto parts supplier against a \$60 million breach of warranty claim.

Contract, Dealer and Franchise - International Brewer

Defended a Polish brewer against claims by a terminated U.S. distributor under the Illinois Beer Industry Fair Dealing Act. The Seventh Circuit compelled arbitration of the claims in Poland. The district court later confirmed the favorable arbitration award, and the Seventh Circuit affirmed.

Contract, Dealer and Franchise - Grocery Retailer

Obtained reversal on appeal of \$6 million judgment for fraud and \$10 million interest claim in connection with sale of retail stores.

Contract, Dealer and Franchise - Engine Manufacturer

Defended a manufacturer of small gasoline engines against claims by a terminated distributor under the Illinois Franchise Disclosure Act. The Northern District of Illinois granted summary judgment dismissing major portions of the distributor's claims.

Contract, Dealer and Franchise - International Auto Supplier

Represented a German-owned automotive supplier in defense of commission claim by a terminated U.S. sales representative in federal district court, the U.S. Court of Appeals for the Sixth Circuit, and arbitration in London before

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the International Chamber of Commerce Court of Arbitration.

Contract, Dealer and Franchise - Machinery Manufacturer

Represented a vendor of automated material handling machinery in defense of breach of contract claims by a supplier and intellectual property licensor.

Governmental and Regulatory - City

Represented a city in defense of a major taxpayer's claim that a property tax ordered by a court to satisfy a judgment against the city violated an amendment to the state constitution. The Michigan Supreme Court held that the constitutional provision did not apply, reversing the state Court of Appeals and Tax Tribunal.

Governmental and Regulatory - Furniture Manufacturer

Defended a manufacturer against a terminated sales representative's claim that he was protected by the Age Discrimination in Employment Act. The Seventh Circuit held that the plaintiff was not covered by ADEA.

Military

United States Air Force, 1970-72, Administrative Officer

Teaching

University of Detroit Mercy School of Law, Adjunct Professor, 2011-2013, taught course on franchising and dealer law

Honors

Best Lawyers in America, Litigation - Antitrust Law, 2005-present; Appellate Practice, Commercial Litigation, and Litigation - Intellectual Property, 2013-present

State Bar of Michigan Appellate Practice Section, "Hero of ADR" 2024

Michigan Super Lawyers, Business Litigation, 2007-present

DBusiness Magazine, Top Lawyers, 2020-present:

Antitrust Litigation

Appellate Law

Leading Lawyers, Antitrust Law, Commercial Litigation, ADR Law: Commercial Litigation, Intellectual Property Law, 2014-present

State Bar of Michigan Pro Bono Honor Roll, 2021

Thomas M. Cooley Law Review Distinguished Michigan Supreme Court Brief Award, 2014

Chartered Institute of Arbitrators, Fellow

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Who's Who in America

Who's Who in American Law

University of Michigan Law School; magna cum laude, Order of the Coif

Michigan Law Review, Articles Editor

Miami University, cum laude

Ohio State University, with Distinction

Professional Activities

American Arbitration Association Panel of Neutrals, Arbitrator (Commercial, Large Complex Case, Franchising and Appellate Panels)

State Bar of Michigan, Alternative Dispute Resolution Section, Council Member, 2020-present; Litigation Section; Appellate Practice Section; Antitrust, Franchising and Trade Regulation Section, Chair, 1994-1995; Vice-chair, 1993-1994; Secretary, 1992-1993; Treasurer, 1991-1992; Council Member, 1987-1991

American Bar Association, Antitrust Section; Forum on Franchising; Litigation Section; Dispute Resolution Section

District of Columbia Bar Association

International Franchise Association

Wayne County Mediation Tribunal Association, case evaluator

Oakland County Circuit Court, case evaluator

U.S. District Court for the Eastern District of Michigan, Local Rules Committee, 1998-2001

Federal Bar Association, Detroit Chapter

Detroit Bar Association

Oakland County Bar Association

Civic, Cultural & Social Activities

City of Grosse Pointe, Urban Forestry Commission

Pleasantview Township Planning Commission, Member and Secretary

Hidden Hamlet Homeowners' Association, Director

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Leadership Detroit XI

Speeches

"ADR Case Law Update," State Bar of Michigan, Alternative Dispute Resolution Section, September 20, 2024

"Comparing International and Domestic Arbitration: Tips for advocates, clients and arbitrators," Moderator, State Bar of Michigan Alternative Dispute Resolution Section, February 20, 2024

"Evidence in Arbitration," Panelist, Alternative Dispute Resolution Section of the State Bar of Michigan Annual Conference, September 30, 2023

"Pro Se: Managing Cases with Self-Represented Parties," Alternative Dispute Resolution Section of the State Bar of Michigan Annual Conference, October 1, 2022

"Writing, Protecting and Correcting an Arbitration Award," Alternative Dispute Resolution Section of the State Bar of Michigan Annual Conference, October 1, 2022

"Best Practices in Non-Administered Arbitrations," Alternative Dispute Resolution Section of the State Bar of Michigan webinar, March 10, 2022

Moderator, Michigan Appellate Bench Bar Conference, 2010, 2013 & 2016

Overview of Franchising Law, Michigan Association of Certified Public Accountants, Franchising Conference, 2012

"Recent Developments in Class Action Law," Miller Canfield Cappuccino with Counsel Series, August 16, 2011

Compelling Arbitration and Enforcing Awards Under the New York Convention, University of Detroit Mercy School of Law and State Bar of Michigan, International Law Section, 2011

International Arbitration, Automation Alley, 2007

Antitrust Compliance, National Association for Credit Management, 2006 and 1999

Getting Your Opponent's Attention Before Trial: Creative Ways to Seize the Moment, American Bar Association, Intellectual Property Section (teleconference), 2004

Drafting Sales Representative Agreements, State Bar of Michigan and Michigan Institute for Continuing Legal Education, 1998

The Price Is Right, Antitrust Developments Affecting Negotiations Between Providers and Payors, State Bar of Michigan and Michigan Institute for Continuing Legal Education, 1997

Dealer, Franchise and Sales Representative Termination, Michigan State Bar Association and Michigan Institute for Continuing Legal Education, 1993

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Dispute Resolution for Franchise Claims, American Arbitration Association, Michigan Region, 1993

Distributing Your Products and the Antitrust Laws, American Electroplaters and Surface Finishers Association, 1993

Publications

Books

Michigan Civil Procedure Before Trial (Co-Author), West Publishing, 2003 (3 vol. treatise)

Litigating the Commercial Case (Co-Author), Michigan Inst. for Continuing Legal Ed., 1992

Journals & Periodicals

"Supreme Court Limits Federal Court Jurisdiction Under the Federal Arbitration Act," The Michigan Dispute Resolution Journal, Summer 2022

"Supreme Court Rejects Prejudice Requirement for Waiver of Arbitration Agreement," The Michigan Dispute Resolution Journal, Summer 2022

"Motions in Limine," Michigan Bar Journal, Jan. 2017

"Unpublished Opinions in the Michigan Court of Appeals," Michigan Appellate Practice Journal, Spring 2013

"New Developments in Cross Appeals - A Potential Trap for the Unwary Appellate Lawyer," Michigan Appellate Practice Journal, Winter 2015

"Commentary: The 'Big 3' of Chinese international arbitration," (Co-Author), Michigan Lawyers Weekly, October 5, 2012

"Compelling Arbitration and Enforcing Awards under the New York Convention in U.S. Courts," Michigan International Lawyer, Spring 2012

"High Court Considers Future of Class Arbitration," Michigan Lawyers Weekly, February 8, 2011

"Judicial Review of Arbitration Awards," Michigan Lawyers Weekly, September 17, 2010

"Michigan Sales Representative Statute" (Co-Author), Michigan Bar Association, 1994

"Are You Violating Antitrust Laws," Michigan Hospitals, Michigan Hospital Association, 1992

"Antitrust Issues in Mergers, Acquisitions and Joint Ventures," International Legal Strategy, 1992 (in Japanese)

"Dealer Termination Litigation," Michigan Bar Journal, 1987

"Annual Survey of the Law: Civil Procedure" (Co-Author), Wayne Law Review, Wayne State University, 1984

"Condemnation Blight" (Note), Michigan Law Review, University of Michigan, 1975

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Articles

The End of Chevron: Administrative Power Shifts to the Courts

Justices Leave Federal Jurisdiction over Enforcement of Arbitration Awards Unclear

U.S. Supreme Court: Forced Transfers of Employees Without Loss of Pay or Rank Violate Title VII

A Lil' Too Late—U.S. Court of Appeals for the Sixth Circuit Refuses to Compel Arbitration After Company Litigates Case for 7 Months

Michigan Court of Appeals Enforces Arbitration Provision in Auto Lease

Sixth Circuit: Emeritus Professor Status Does Not Create Constitutionally Protected Property Interest

Sixth Circuit Rejects Challenge to Michigan Constitutional Amendment Prohibiting Public Funds for Private Schools

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

SCOTUS: Chevron, Lord Voldemort, and a Doctrine That Shall Not Be Named

Supreme Court Expands the Path to Challenge the Authority of Administrative Agencies in Federal Court

Sixth Circuit: Reasonable Notice Required to Terminate a Successive Contract

Disregarding Administrative Tax Guidance Aided the IRS in Two Cases and the Taxpayer in a Third Case

Supreme Court Signals Move Away from Judicial Deference to Administrative Agencies

Supreme Court Rejects Prejudice Requirement for Waiver of Arbitration Agreement

Supreme Court Limits Federal Court Jurisdiction Under the Federal Arbitration Act

Legal Consequences to Consider Before Raising Prices

DOJ and FTC Issue Updates to Antitrust Guidelines for the Licensing of Intellectual Property for the First Time Since 1995

Does Your Human Resources Department Understand Antitrust?

Michigan Supreme Court Makes Commercial Non-Compete Agreements Easier to Enforce

Justice Department Policy Changes Limit Avenues of Immunity for Antitrust Crimes

Supreme Court Enforces Class Action Arbitration Waiver

Global Automotive Newsletter

Antitrust Investigation Highlights Need for Compliance Programs

Global Automotive Newsletter

Complying with Antitrust Laws

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Supreme Court Decision Upholds Class Action Waivers in Arbitration Agreements

Foul? High Court Sacks NFL

Is it Appealing? Weigh the Issues Carefully Before You Pursue a Case on Appeal

Antitrust Issues Impact Mergers, Acquisitions, and Joint Ventures