bodman

Litigation and Alternative Dispute Resolution

achieve business goals

We protect clients ranging from local entrepreneurs to Fortune 500 companies in disputes involving a broad spectrum of issues. Wherever possible, we represent them before formal proceedings start.

We routinely appear before federal and state courts throughout the United States, as well as in a variety of non-judicial forums, including national and international arbitration. Because of our expertise and strong track record, clients frequently turn to us to pursue cases that other firms handled previously, including appeals.

We employ all effective means to resolve disputes efficiently, favorably and cost-effectively. Through experience, we have found that an aggressive and proactive approach to dispute resolution, coupled with close coordination with our clients, produces the best results: early dismissals, favorable settlements, and winning verdicts and awards. Our lawyers have deep experience taking cases to trial and we have the conviction to do so when required.

At all times, we strive for efficiency in staffing and strategy. We use paralegals and support staff where appropriate and incorporate technological advances in dispute management and legal research. We are experienced in working with and directing staff attorney review of discovery materials.

SERVICES

Our practice cuts across a wide variety of civil disputes, ranging from simple breach of contract claims to antitrust, securities, professional liability, trade secret, and other complex matters.

The subjects we address include:

- **Antitrust law**
- **Insurance**

- Asbestos claims
- Broker/dealer and investment adviser liability
- Class action defense
- Condemnation
- Constitutional Law, particularly the First Amendment
- Construction
- Corporate governance/internal investigations
- Data privacy and security
- Earnout/post acquisition disputes
- Employment
- ERISA
- Financial institutions
- Franchise and distribution
- Government Law
- Healthcare
- Intellectual property
- International Law
- Lender liability
- Manufacturer Supply and Distribution Relationships
- Product liability
- Professional liability
- Real property
- Securities fraud
- Shareholder derivative matters
- Tax
- Technology/E-commerce
- Telecommunications
- Termination of distribution relationships
- Trust and probate
- Zoning

REPRESENTATIVE MATTERS

We understand our clients' businesses. Our attorneys are familiar with our clients industries, which include accounting, agency and distribution, banking and financial services, automotive and industrial, insurance, franchise, outdoor advertising, manufacturing, health care, legal services, high tech, construction, real estate and zoning, municipalities, and securities/broker-dealers and investment advisers.

- **Insurance Company Accused of Antitrust Violations for Use of "Most Favored Nation" Provisions**

  We represented an insurer in a multibillion-dollar antitrust action filed by a competitor challenging the use of "most favored nation" provisions in health care reimbursement contracts. We served as lead local counsel, took a leadership role in the discovery phase, and took hundreds of depositions. The case settled on favorable terms before trial.

- **County Government Sued by Sheriff for Underfunding County Jail**

  We represented a county government against a lawsuit filed by the county sheriff asserting that the county had underfunded the county jail in violation of a consent order. After an extensive evidentiary hearing, the court ruled in favor of our client.

- **County Government Sued by County Prosecutor, Alleging Underfunding of Jail**

  We also represented the county in a lawsuit by the county's prosecutor alleging underfunding. The case was settled on terms that require the prosecutor to stay within budget and increase efficiency.

- **Representation of Professional Services Firms in Malpractice, Ethics, and Partnership Matters**

  Our team has defended and counseled large law firms and accounting firms in Michigan and other states in malpractice cases, professional responsibility and ethics matters, partnership dissolution and related matters. We have also provided expert testimony on professional conduct matters.

- **Class Action Defense of Financial Institutions, Automotive Manufacturers, Telecommunications Companies, Insurance Companies, and More**

  In successful defense of class actions, our clients have included banks, an auto manufacturer, a major retailer of entertainment and sporting tickets, insurance companies, a national telecommunications company, and many others.

- Our client, a high-tech manufacturer, was sued by a customer for warranty claims for circuit boards supplied to the U.S. Army. The complex case involved the management of a mountain of data totaling almost 1,000 gigabytes (over 2 million pages). We led the client to a favorable settlement and helped preserve its relationship with the customer which has promised our client additional future business.
- We represented a municipal school district in a complex, multi-party arbitration involving defects in the construction of the district's flagship high school. Our client recovered nearly $7 million from the arbitration award and settlements and completely prevailed on all counter claims, totaling an additional $1.2 million.
- We represented a bank in a class action concerning our client's investment of pension and health care plan funds in notes issues by Sigma Finance, a failed structured investment vehicle. Plaintiffs

claimed $48 million in damages. This was one of a series of Sigma related cases against banks nationally. After winning several preliminary motions, we achieved the best settlement, on a percentage of loss basis, of any of the large Sigma-related suits in the country.

- Dozens of securities broker-dealers and investment advisers have relied on our counsel in cases alleging fraud, churning, and unsuitability; in cases alleging the "raiding" of competitors for sales representatives; in cases involving breach of non-solicitation or theft of trade secrets; and in other complex FINRA arbitrations.
- In connection with the largest insolvency of a life insurer in North American history, we represented the Michigan Insurance Commissioner, successfully arguing two appeals on the Commissioner's behalf. The rehabilitation was a success, and all policyholders received payment in full.
- A Fortune 150 automotive supplier regularly employs us in matters involving multi-million dollar construction, vendor, supplier and other disputes.
- We represented a major league sports franchise in litigation involving the early termination of a lease on a municipal sports facility and an arbitration regarding the franchise's new facility. The original facility's owner sought more than $100 million in damages. A principal contractor of the second facility also sought more than $100 million in damages. Both matters were resolved favorably.
- We have successfully represented national and international franchisors in defense of multi-billion dollar breach of contract, fraud, federal civil rights violations, trademark infringement and unfair competition actions.
- Our attorneys have obtained no cause awards in arbitrations in defense of automotive, banking and other clients on issues ranging from lender liability to termination of distribution relationships.
- We represented a foreign government in its successful defense of a federal court action and appeal, in which the plaintiffs sought damages for alleged expropriation of business assets in violation of international law.
- We represented a Tier-1 automotive supplier in a high-stakes temporary restraining order battle after a judge had entered an order requiring our client to produce a bank of parts at a seven-figure loss. We persuaded the court to set aside its order and negotiated a settlement between the parties, including a significant payment to our client.
- When state and federal regulators required our client, a commercial bank and its brokerage subsidiary, to repurchase billions of dollars in of-auction rate securities from their clients, we successfully guided our client through the repurchase with no sanctions, a minimal payment, and no reservation of fraud claims.
- We helped a major health care provider obtain a preliminary injunction that prevented a specialty cancer hospital from moving its facility from our client's main campus. The move would have

undermined our client's business strategy and resulted in damages to our client of up to $100 million.

- We have successfully represented an auto manufacturer in multinational litigation and arbitration proceedings in Lebanon, the U.K., the Caribbean and the U.S. related to its termination of distributorships around the world.
- We routinely represent financial institutions of all sizes in connection with the prosecution and defense of claims across the entire spectrum of such litigation, ranging, e.g., from routine loan guarantee collection through complex participation agreements, to international merger and acquisition claims.