

Automotive Group

Primary Practice Contacts James R. Vogler and Randall L. Oyler

The Automotive Group works with automotive, truck and motorcycle manufacturers across the country and around the world to implement market representation and development initiatives, litigate protests and lawsuits, and develop effective dealer agreements, standards, and policies. Our attorneys are knowledgeable and creative strategic partners. Whether litigating, counseling, or negotiating transactions on behalf of our clients, we bring to the table extensive in-depth knowledge of the automotive industry and exceptional legal ability, a combination that uniquely positions us to help our clients efficiently and effectively solve difficult problems and achieve their business objectives.

Litigation

The Automotive Group represents manufacturers and their interests in courts and administrative proceedings across the country in a wide range of areas, including franchise litigation, intellectual property, class action litigation, and bankruptcy. Our focus in the litigation context is not simply adding to our list of litigation wins, but, rather, to develop and implement strategies to obtain the most favorable business outcomes possible for our clients. [Click here for a list of representative Automotive Group litigation matters.](#)

Franchise Litigation

The Automotive Group has successfully litigated well over 100 matters under federal and state dealer laws. Such matters include disputes relating to dealer add-points, relocations and terminations, allocation methods and practices, advertising programs, bonus programs, alleged price discrimination, facility and other corporate identity requirements, warranty reimbursement, and dealership bankruptcies. Such matters also include representing manufacturers and related entities in administrative enforcement actions arising under state dealer laws. Whatever the nature of the dispute, by acting as a strategic partner, rather than as a hired gun, we strive to use litigation as an opportunity to help our clients realize their ultimate business objectives, including building better and stronger dealer networks through the strategic transformation of local, regional and nationwide markets.

Intellectual Property Litigation

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The Automotive Group represents its manufacturer clients and related entities in courts and other forums around the country in disputes relating to the protection and prosecution of our clients' intellectual property assets. Such matters include claims for infringement of trademarks, copyrights, trade dress, and trade secrets.

Class Action and Other Commercial Litigation

The Automotive Group also represents its automotive industry clients in class actions other commercial litigation not arising out of the manufacturer-dealer relationship. Such matters include employment discrimination claims, disputes relating to executive compensation and non-compete agreements, licensing and distribution agreements, as well as consumer class actions and other complex litigation involving claims for breach of contract, breach of warranty, consumer fraud, and other deceptive or unfair trade practices under state and federal law.

Counseling

In addition to representing clients in litigation and other controversies on a wide range of issues impacting the automotive industry as a whole and our clients' businesses in particular, the Automotive Group counsels clients on a wide range of statutory and regulatory matters. Such matters include franchise and dealer law, antitrust, intellectual property, employment, tax, and bankruptcy.

We help our clients navigate the often-complex state and federal regulatory framework of the automotive industry, including assisting manufacturers in all facets of the manufacturer-dealer relationship. Among other things, we have assisted clients with preparing and implementing in all 50 states new dealer agreements and operating standards, drafting sales and distribution agreements, creating brand standards, and developing margin programs. We also help manufacturers develop policies in such key areas as corporate identification, minority dealer representation, product allocation, and pricing.

We also regularly counsel manufacturers and related entities on a wide variety of non-patent intellectual property matters, including trademark and copyright licensing and enforcement, intellectual property aspects of business transactions, gray market trading, and registration of trademarks in the United States and abroad.

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We also regularly counsel manufacturers on market representation strategies. In this regard, we have worked closely with manufacturers to develop effective strategies to launch new franchise networks and to develop customized allocation programs for new products. Our aim is to leverage our in-depth knowledge of the automotive industry and extensive experience with the relevant legal framework to achieve critical market representation goals that surpass our clients' highest expectations.

Transactions

The Automotive Group assist clients with a full range of business transactions. Our breadth of experience enables us to offer creative strategies for handling complex transactions and achieving client goals all within the complex and wide-ranging regulatory framework of the automotive industry.

We have worked with our clients on transactions that include, for example, structuring and documenting new dealership relationships, navigating the sales of dealerships and corresponding manufacturer rights of first refusal, advising manufacturers on dealer financing issues, negotiating on the dealer's behalf with dealer floorplan lenders, and negotiating and implementing dealership terminations and corresponding repurchase obligations on manufacturers.