

Friends,

Here's a mid-summer update. Recent trends continue, and we've been able to successfully resolve cases without trials. In three of the cases below, trial or a significant hearing was imminent, and both sides recognized the risks and costs of pursuing a "victory." In the other two, both sides factored in the possibility of litigation to reach an early resolution. You might wonder why this doesn't happen more often. Here's at least a partial answer: while an early resolution is often preferable, the process of accepting responsibility can take time. Litigants, business partners for example, have frequently reached a point of intense conflict after weeks, months, or years of relatively smaller disagreements. It is impossible to reverse this inexorable march toward a dispute overnight. Indeed, litigants may be unlikely to absorb advice that requires them to shoulder responsibility too early; they have their "stories" and they're sticking to them. With those thoughts, here are the results:

- Representing a business owner who sold his business, then signed an employment agreement with an earn-out, but who was then wrongfully fired, obtained a favorable monetary settlement and termination of a non-compete obligation. Trial was a month away, and a two-hour mediation that was unsuccessful at the time paved the way for the eventual settlement;
- Representing a Michigan distributor for a national wholesaler in a dispute regarding termination of the distributorship, obtained a favorable settlement that allowed the distributor to profitably transfer the distributorship. Trial was three weeks away;
- Representing a national franchisor, obtained an injunction and then a favorable monetary settlement in a claim against a former franchisee for breaching a non-compete agreement. A preliminary injunction hearing was weeks away;
- Representing a commercial contractor, obtained a favorable settlement of an unpaid balance by informally participating in a mediation being conducted in a separate case, avoiding litigation completely;
- Representing the owner of commercial property that suffered a significant fire, settled insurance claims and claims with the tenant, avoiding litigation completely.

Not every case can be resolved without a trial or litigation. We also obtained a significant arbitration award in favor of a business that unfortunately had a contract with a business controlled by Denny McLain. Collecting that award will be a different story.

Enjoy the rest of the summer!

Jon

JONATHAN B. FRANK, P.C.
OF COUNSEL TO JACKIER GOULD, P.C.

121 WEST LONG LAKE ROAD

SECOND FLOOR
BLOOMFIELD HILLS, MI 48304
OFFICE: (248) 433-2589
CELL: (248) 320-8361
FRANK@JACKIERGOULD.COM
WWW.JACKIERGOULD.COM
WWW.LINKEDIN.COM/IN/JONATHANBFRANK