

## Carl H. von Ende

### SERVICE AREAS

#### Business

- Gaming
- Intellectual Property

#### Litigation + Trial

- Gaming
- Litigation + Trial Practice Overview

#### Governments + Nonprofits

- Gaming
- Intellectual Property

### EDUCATION

- University of Michigan Law School, J.D.
- University of Michigan, A.B.

### BAR ADMISSIONS

- Michigan



### General Counsel and Principal

#### Detroit

150 West Jefferson  
Suite 2500  
Detroit, Michigan 48226

T: +1.313.496.7618

F: +1.313.496.8454

[vonende@millercanfield.com](mailto:vonende@millercanfield.com)

Carl H. von Ende specializes in trial, appeal, arbitration and mediation of antitrust, securities, intellectual property, corporate governance and debtor-creditor litigation. He has handled a wide variety of commercial disputes and has served as arbitrator and mediator in many commercial matters as well, often by appointment by a judge or mutual selection by the parties. He offers first-class advocacy delivered with candor and civility.

*"Forty years of practice have taught me that success in dispute resolution is achieved by creativity, preparedness, brevity and candor."*

Carl H. von Ende

### EXPERIENCE

Carl led a team of Miller Canfield lawyers in representing the Michigan Economic Development Corporation in a lawsuit against two Native American tribes. The lawsuit sought to recover millions of dollars in payments that the MEDC claimed it was owed under compacts negotiated between the State of Michigan and the tribes. Carl and his team obtained summary judgment in favor of the MEDC in federal court and then negotiated a favorable settlement while the case was pending on appeal. The settlement resulted in the payment of approximately \$28 million to the state for the benefit of the MEDC, together with the promise of millions more in future payments. These funds will allow the MEDC to continue and expand its important work attracting new business to Michigan.

*"This case had all the best elements: knowledgeable clients, dedicated colleagues, worthy adversaries, exciting legal issues and a deeply satisfying result."*

## REPRESENTATIVE MATTERS

- Media and Marketing Services Company Antitrust Action  
Trial counsel for Valassis Communications, Inc. in its legal battle with News America, Inc., a part of Rupert Murdoch's News Corporation. Obtained \$300 million jury verdict after an eight-week trial in July 2009, the eighth-largest jury verdict in the United States in 2009. As part of a comprehensive settlement--reached three days before the parties were scheduled to begin a second jury trial in Federal Court in Detroit--News America agreed to pay Valassis \$500 million and enter into a 10-year shared mail distribution agreement with Valassis. Valassis Communications, Inc. v News America Inc., Case No. 07-706645 (Wayne County Circuit Court 2007); Valassis Communications, Inc. v News America Inc., Case No. 2:06-cv-10240 (Eastern District of Michigan 2006); Valassis Communications, Inc. v News America Inc., Case No. BC367743, (Los Angeles County Superior Court, California 2007).

## REPORTED + PUBLISHED DECISIONS

State of Michigan, et al. v Little River Bank of Ottawa Indians, et al., 2007 WL 1238907 (W.D. Mich 2007) (Tribal compact, contract issue)

Reardon v Kelly Services, Inc., 210 Fed. Appx. 456 (6th Cir 2006)  
(Contract interpretation)

Ayar v Foodland Distributors, et al., 472 Mich. 713; 698 N.W.2d 875  
(2005) (Right of first refusal)

Ayar v Foodland Distributors, et al., 263 Mich. App. 105; 687 N.W.2d  
365 (2004) (Right of first refusal)

Miller v Champion Enterprises, Inc., 346 F.3d 660 (6th Cir. 2003)  
(Securities class action)

Simon Property Group, Inc. v Taubman Centers, Inc., 240 F.Supp.2d  
642 (E.D.Mich.2003) (Corporate takeover; control share statute)

In re Delta Airlines, 310 F.3d 953 (6th Cir.2003) (Class certification  
issues in antitrust case)

Wayne County Board of Commissioners v Wayne County Airport  
Authority, 253 Mich.App.144; 658 N.W.2d 804 (2002)  
(Constitutionality of statute transferring Detroit Metropolitan Airport)

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Ridley Bagel, Ltd. v Kellogg Co., 233 F.Supp.2d 853 (E.D.Mich.2002)  
(Forum non conveniens)

In re Northwest Airlines Corp., 208 F.R.D.174 (E.D.Mich.2002)  
(Summary judgment and class certification issues in antitrust case)

In re Lason, Inc., 143 F.Supp.2d 855 (E.D.Mich.2001) (Securities  
class action)

AT&T Communications of the Southwest, Inc. v City of Austin, 235  
F.3d 241 (5th Cir. 2000) (Telecommunications case; mootness  
issues)

Pertuso v Ford Motor Credit Co., 233 F3d 417 (6th Cir.2000)  
(Bankruptcy Code: private right of action; preemption issues)

Pertuso v Ford Motor Credit Co. 1998 U.S. Dist. Lexis 21191,  
(E.D.Mich.1998) (See above)

First Am. Title Ins. Co. v Sabaugh, 1998 U.S. Dist. Lexis 9281,  
(E.D.Mich. 1998) (Statutory construction; municipal issues)

Federated Publs. v Michigan State Univ. Bd. of Trustees, 221 Mich.  
App. 103; 561 N.W.2d 433 (1997) (Open meetings act)

Terry Bar Sales Agency v All-Lock Co., 96 F.3d 174; (6th Cir. 1996)  
(Contractual issues; sales representation contract)

Airlines Parking v Wayne County, 452 Mich. 527; 550 N.W.2d 490  
(1996) (Constitutional and tax issues)

Zander v Ogihara Corp., 213 Mich. App. 438; 540 N.W.2d 702  
(1995) (Breach of contract and real estate matters)

Frederick v Hydro-Aluminum, s.a., 153 F.R.D. 120 (E.D.Mich.1994)  
(Sales representation issues)

Taxpayers United for Mich. Constitution, Inc. v City of Detroit, 196  
Mich. App. 463; 493 N.W.2d 463 (1992) (Taxation; constitutional  
issues)

In re Rospatch Sec. Litig., 802 F.Supp. 110 (W.D.Mich 1992)  
(Securities issues)

Doe v Department of Social Services, 439 Mich. 650; 487 N.W.2d  
166 (1992) (Equal Protection Clause)

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Ace Tex Corp. v Detroit, 1856 Mich. App.609; 463 N.W.2d 166 (1990) (State tax issues)

Burns Clinic Medical Center PC v Vorenkamp, 165 Mich. App. 224; 418 N.W.2d 393 (1987) (Antitrust and covenant not to compete issues)

Penn Mut. Life Ins. Co. v Department of Licensing & Regulation, 162 Mich. app. 123; 412 N.W.2d 668 (1987); leave to appeal denied, 429 Mich. 871 (Issues of sovereign immunity, taxation and equal protection)

Plaza Sec. Co. v Freuhauf Corp. 643 F.Supp. 1535 (E.D.Mich 1986) (Tender offer; corporate control issues)

Edelman v Fruehauf Corp., 798 F.2d 882 (6th Cir. 1986) (Fiduciary duties of corporate directors)

Om-El Export Co. v Newcor, Inc., 154 Mich. App. 471; 398 N.W.2d 440 (1986); leave to appeal denied, 426 Mich. 878 (1986) (Sales representation issues)

Mutual Life Ins. Co. v Insurance Bureau, 424 Mich. 656; 384 N.W.2d 25; rehearing denied, 425 Mich 1202 (1986) (Statutory construction; taxation)

Szymanski v City of Westland, 420 Mich. 301; 363 N.W.2d; 1984 (1885) (Constitutionality of special assessment)

3 P.M., Inc., v Basic Four Corp., 591 F.Supp. 1350; (E.D.Mich 1984) (Federal antitrust issues)

Clark v Grover, 132 Mich. App. 476, 347 N.W.2d 748 (1984) (Tort liability of mortgage company)

J. Ford Roche & Co. v A&E Plastik Pak Co., 698 F.2d 1220 (6th Cir. 1982) (Sales representation issues)

County of Marquette v Board of Control, 111 Mich. App. 521; 314 N.W.2d 678 (1981) (Constitutional and statutory rights of state-chartered universities)

Jaffe v Harris, 109 Mich. App. 786; 312 N.W.2d 381 (1981) (Rights of limited partners to prosecute derivative action)

NIB Foods, Inc., v Mally, 70 Mich. App. 553; 246 N.W.2d 317 (1976) (Real estate lease issues)

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Winshall v Ampco Auto Parks, Inc. 417 F.Supp. 334 E.D.Mich 1976)  
(Real estate matter)

Jacques v Smith, 62 Mich. App. 710; 233 N.W.2d 839 (1975) (Real  
estate issues)

Doran v Equitable Life Assurance Soc., 58 Mich. app. 507; 228  
N.W.2d 437 (1975) (Construction of insurance policy)

Waldorf v KMS Industries, Inc. 25 Mich. App. 20; 181 N.W. 2d 85  
(1970) (Stock purchase rights; choice of law issues)

### PROFESSIONAL ACTIVITIES

- American College of Trial Lawyers, Fellow, 1994-present; State Chair, 1998-2000
- Detroit Metropolitan Bar Association, President, 1987-1988; President-elect, 1986-1987; Secretary-Treasurer, 1985-1986; Director, 1980-1988; Chairman, Medical-Legal Committee, 1988-1995; Chairman, Public Advisory Committee, 1980-1983
- State Bar of Michigan; Chairman, Annual Meeting Coordinating Committee, 1977-1979; Member, Local Bar Liaison Committee, 1988-1996; Member, Continuing Legal Education Committee, 1989-present
- American Arbitration Association, Member, Large Complex Case Panel, 1993-present; Member, Commercial Arbitration Advisory Committee, 1994-present
- Frequent arbitrator and special mediator/facilitator by court appointment or by private selection in business disputes involving antitrust, securities, intellectual property, corporate governance, banking, contract, and debtor-creditor litigation.

### HONORS + AWARDS

- Best Lawyers in America, Banking and Finance Law, Bet-the-Company Litigation, Commercial Litigation 1993-present
- Chambers USA: America's Leading Lawyers for Business, Commercial Litigation, 2003/04-present
- Michigan Super Lawyers, Top 100 Michigan Super Lawyers 2007-2008; Business Litigation 2007-present
- Benchmark Litigation, Guide to America's Leading Litigation Firms and Attorneys, 2010

## Carl H. von Ende

- DBusiness Magazine, Banking Law and Business and Commercial Litigation, 2010

### CIVIC, CULTURAL + SOCIAL ACTIVITIES

- University of Michigan Law School, Member, Law School Fund National Committee, 1979-1995; Co-chair, Miller Canfield firm participation, 1990-2005
- Committee on the Bicentennial of the Constitution, Member, 1986-1988
- Wayne County Neighborhood Legal Services, Director, 1973-1975
- Accounting Aid Society of Metropolitan Detroit, Director, 1976-1978

### RELIGIOUS ACTIVITIES

- Northbrook Presbyterian Church, Elder, 1994-1999, 2006-present

### TEACHING EXPERIENCE

- Michigan Supreme Court, Faculty Member, Mandatory Continuing Legal Education Program
- University of Michigan Advocacy Institute, Group Leader
- American Arbitration Association, Instructor, Annual Arbitrator Update

### SPEECHES

"Customizing Private Arbitrations," Arbitration Track of the 7th Annual Advanced Negotiation & Dispute Resolution Institute (ICLE), Arbitrator/Mediator/Co-presenter, March 2008

### NEWS

- Miller Canfield Recognized as a Leading Litigation Firm in Michigan
- Miller Canfield Leads Valassis Victory in News America Lawsuit
- Miller Canfield Recognized as a Leading Litigation Firm in Michigan
- Miller Canfield and Law Firm of David Mendelson Lead Valassis \$300 Million Victory in News America Lawsuit
- Attorney Carl von Ende Appointed General Counsel of Miller Canfield