

## Larry J. Saylor

### SERVICE AREAS

#### Business

- Automotive

#### Litigation + Trial

- Antitrust + Trade Regulation
- Appeals
- Business Torts
- Class + Collective Actions
- Distributors/Sales Reps.
- Franchising
- Intellectual Property Litigation
  - Trade Secrets + Noncompetes
- International Arbitration

### EDUCATION

- University of Michigan Law School J.D.
- Ohio State University, M.C.R.P.
- Miami University, Ohio, A.B.

### BAR ADMISSIONS

- District of Columbia
- Michigan

### COURT ADMISSIONS

#### U.S. Supreme Court

#### U.S. Courts of Appeals

- District of Columbia Circuit
- Sixth Circuit
- Seventh Circuit
- Tenth Circuit

#### U.S. District Courts

- Eastern District of Michigan
- Western District of Michigan
- District of Columbia



### Principal

#### Detroit

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Larry J. Saylor has represented clients in the automotive industry for 30 years. His practice involves trials, arbitrations, and appeals of complex commercial and governmental matters, including antitrust, product warranty, trade secret, supplier pricing disputes, and dealer and sales representative termination. Mr. Saylor has extensive preliminary injunction experience in supplier, dealer and trade secret matters. He has also served as national and local counsel in antitrust and consumer protection class actions in state and federal court.

### EXPERIENCE

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

### REPRESENTATIVE MATTERS

- Trade Secrets - Automated Machinery Manufacturer  
Defended former chief technical employee against trade secret and noncompete claims by a manufacturer of automated machinery. The district court entered a preliminary injunction but the Sixth Circuit reversed.
- 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 - Automated Machinery Manufacturer  
Represented automated industrial machinery vendor as plaintiff in trade secret claims against former employees and a competitor.
- Trade Secrets - Computer Manufacturer

- Northern District of Illinois

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.

- 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 - Engineering Software Company  
Filed antitrust counterclaim on behalf of engineering software vendor defending trade secret claims by a competitor. The matter is pending.
- Antitrust - Furniture Manufacturer  
Defended a furniture manufacturer against price discrimination claim by a terminated retailer in the District of Oklahoma.
- 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.
- 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 - 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.

## Larry J. Saylor

- **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.
  - **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 claimants' motion to certify a class.
  - **Contract, Dealer + Franchise - Automotive Supplier**  
Defended an international auto parts supplier against a \$60 million breach of warranty claim.
  - **Contract, Dealer + 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 + 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 + Franchise - Furniture Manufacturer**  
Defended a national furniture manufacturer against breach of contract claims by retailers in Mississippi and California.
  - **Contract, Dealer + 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 + Franchise - International Auto Supplier**
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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 the International Chamber of Commerce Court of Arbitration.

- Contract, Dealer + 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, reversing the decision of the Northern District of Illinois. The district court later confirmed the favorable arbitration award, and the Seventh Circuit affirmed.
- Contract, Dealer + 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 + 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 requiring a vote of the electors to approve any increase in taxes. The Michigan Supreme Court held that the constitutional provision did not apply, reversing the state Court of Appeals and Tax Tribunal.
- Governmental + 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.

### PROFESSIONAL ACTIVITIES

- American Arbitration Association Panel of Neutrals (Commercial, Large Complex Case, and Franchising Panels), Arbitrator
- American Bar Association, Antitrust Section; Forum on Franchising; Litigation Section; Dispute Resolution Section
- State Bar of Michigan, Antitrust, Franchising and Trade Regulation Section, Chair, 1994-1995; Vice-chair, 1993-1994; Secretary, 1992-1993; Treasurer, 1991-1992; Council Member, 1987-1991; Alternative Dispute Resolution Section; Litigation Section; Appellate Practice Section

## Larry J. Saylor

- District of Columbia Bar Association
- International Franchise Association
- Wayne County Mediation Tribunal Association, Commercial case evaluator
- Wayne Mediation Center, mediator
- U.S. District Court for the Eastern District of Michigan, Local Rules Committee, 1998-2001
- Federal Bar Association, Detroit Chapter
- Detroit Metropolitan Bar Association

### HONORS + AWARDS

- 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
- Who's Who in America
- Who's Who in American Law
- Best Lawyers in America, Litigation-Antitrust Law 2005-present
- Michigan Super Lawyers, Business Litigation, 2007-present
- DBusiness Magazine, Top Lawyers, Antitrust, 2010

### CIVIC, CULTURAL + SOCIAL ACTIVITIES

- Leadership Detroit XI
- Detroit Economic Club
- Canada-U.S. Business Association

### MILITARY EXPERIENCE

- United States Air Force, 1970-72, Administrative Officer

### TEACHING EXPERIENCE

- University of Detroit Mercy School of Law, Adjunct Professor teaching franchising

### PUBLICATIONS

#### Books

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Larry J. Saylor

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

**Articles**

"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 Journal, 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, Michigan Bar Association, 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

**SPEECHES**

Oral Argument (Moderator), Michigan Appellate Bench Bar Conference, 2010

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, Michigan State Bar Assoc. and Michigan Inst. for Continuing Legal Education, 1998

## Larry J. Saylor

The Price Is Right, Antitrust Developments Affecting Negotiations Between Providers and Payors, Michigan State Bar Association 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

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

### SEMINARS + EVENTS

- Cappuccino with Counsel: Recent Developments in Class Action Law
- Nuts and Bolts of International Commercial Arbitration
- 2010 Annual Employment Law Seminar
- Cappuccino with Counsel: Trade Secrets Identifying and Protecting What Could Be Your Most Valuable Asset

### ARTICLES

- Global Automotive Newsletter
- Antitrust Investigation Highlights Need for Compliance Programs
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- Global Automotive Newsletter
- Complying with Antitrust Laws
- Supreme Court Decision Upholds Class Action Waivers in Arbitration Agreements
- Foul? High Court Sacks NFL
- Automotive Guide
- Is it Appealing? Weigh the Issues Carefully Before You Pursue a Case on Appeal
- Antitrust Issues Impact Mergers, Acquisitions, and Joint Ventures

### NEWSLETTERS

- Hot Points Summer 2011
- Hot Points Special Edition Appellate



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- Hot Points Fall 2010

**NEWS**

- Miller Canfield Lawyer Larry Saylor Appointed Chair of Firm's Antitrust and Trade Regulation Section

