

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

150 West Jefferson
Suite 2500
Detroit, Michigan 48226

T: +1.313.496.7986

F: +1.313.496.8454

saylor@millercanfield.com

Larry J. Saylor litigates complex business disputes in state and federal courts throughout the country, and in domestic and international arbitration. He handles antitrust, trade secret, consumer protection, franchising, and dealer law matters, including class actions, injunctions, and appeals. He has resolved highly technical matters involving computer software, pharmaceuticals, health care, and product design. Larry also counsels clients on antitrust, franchising and dealer law issues, and acts as an arbitrator and mediator. He is an adjunct professor at University of Detroit Mercy School of Law, where he teaches a course on franchising and dealer law. Larry served as chair of the Antitrust, Franchising and Trade Regulation Section of the State Bar of Michigan and Article Editor of the Michigan Law Review, and writes and speaks regularly on antitrust, franchising, business torts, and arbitration.

"To get the best results for my clients, I strive to make complicated legal and factual issues simple so I – and a judge or a jury – can understand them."

Larry J. Saylor

In a case that made front-page news, Larry served as co-counsel for a major computer company involved in a billion-dollar-plus dispute with a rival over antitrust and intellectual property claims. The case was successfully settled.

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

- Northern District of Illinois

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
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

Larry J. Saylor

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.
 - **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**
-

Larry J. Saylor

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
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

Larry J. Saylor

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
- 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

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

Larry J. Saylor

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

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
- Antitrust Investigation Highlights Need for Compliance Programs
- Global Automotive Newsletter
- Complying with Antitrust Laws
- Supreme Court Decision Upholds Class Action Waivers in Arbitration Agreements

Larry J. Saylor

- 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
- Hot Points Fall 2010

NEWS

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