

Franchise Litigation

We represent franchisors in all areas of litigation regarding their businesses. Our extensive background includes in-depth knowledge of the disputes, legal issues and contractual provisions that are specific to franchise systems – and we have a broad base of experience in successfully litigating these issues.

Our Services

We represent franchisors in a variety of litigation cases:

- + **Franchisee litigation:** enforcing the obligations of their franchisees, including intellectual property protection, quality control maintenance, royalty payment, enforcement of non-competition restrictions and compliance with the franchise system; defending franchisors against franchisee claims regarding the sale and performance of the franchise; contractual and non-contractual disputes, including franchisee class action suits
- + **Consumer litigation:** defending against consumer claims from both franchisee and company-owned stores, including class action and warranty claims
- + **Employee litigation:** defending against claims brought by company store employees, as well as by franchisee employees asserting co-employer relationships with the franchisor
- + **Supplier/real estate litigation:** commercial litigation involving suppliers, landlords and service providers

Our Clients

Our franchisor clients include retail sellers of goods and services like pets, drugs and other retail goods, food products, and extended automobile service warranties, as well as franchisors of intellectual property and business models and concepts. Examples of our successful litigation representation of franchisors include the following:

- + Defeated class certification against franchisor in a national putative class action lawsuit on behalf of consumers alleging RICO, fraud and various state consumer sales practices act violations
- + Defeated class certification in a national putative franchisee class action alleging RICO, fraud and antitrust violations in connection with various supplier incentive arrangements and alleged sole source supplier requirements
- + Successful enforcement of franchisor's non-competition restrictions and intellectual property rights to force closure of out-of-state franchisee's store (following issuance of injunction in federal court in Ohio, successful litigation in bankruptcy court in franchisee's home state to enforce injunctive relief notwithstanding the automatic stay)

- + Successfully defended franchisor in injunction litigation initiated by franchisee claiming its exclusive territory was violated
- + Various successful injunction lawsuits on behalf of franchisor to close franchisee stores for failure to pay royalties and other obligations
- + Successful defense of franchisor in lawsuit brought by area developer concerning store performance, as well as advertising, support and lead referral obligations relating to area representation agreement
- + Successful defense of franchisor against maximum retail price fixing claim (prior to the Khan Oil decision)
- + Summary judgment for international retail franchisor with respect to discrimination claims asserted by regional store manager
- + Successful resolution of various lawsuits alleging co-lessee and/or guarantor obligations of franchisor with respect to store leases
- + Successful representation of multi-unit franchisee in defense of FLSA collective action, including de-certification of collective action

Contact Us

For more information on our franchise litigation services, please contact Robert Cohen or Thomas W. Hill.

Our Team

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