

Automotive, OEM & Supplier Litigation

Related Industries

Automotive Corporate and Compliance
 Automotive Government Policy & Practice
 Automotive Industry Group
 Automotive Intellectual Property
 Automotive Plant & Environmental Issues
 Automotive Supplier & Supply Chain Issues
 Automotive, OEM & Supplier Business Services

Related Practices

Appellate
 Asbestos & Toxic Tort
 Business & Commercial
 Class Action Defense
 Discovery Management & E-Discovery
 Labor & Employment
 Product Liability
 Property Tax Appeals

Overview

Ranked among the top seven firms nationwide in transportation litigation and top three firms nationwide in automotive product liability by *The Legal 500 US 2019*, Dykema is a firm of choice in automotive sector-related disputes. Backed by the strength and success of our litigation practice, Dykema lawyers represent the Firm's automotive industry clients in state and federal courts from coast to coast, in bench and jury trials and on appeals of right and discretionary appeals to even the highest courts of the land, and in every conceivable alternative dispute resolution forum. In fact, for decades our litigators have represented automotive manufacturers and suppliers in a broad range of significant, high-profile cases, class actions and all manner of commercial disputes. We have appeared on behalf of automotive clients before the U.S. Department of Transportation and other federal and state departments and agencies, to advocate for our clients' causes for over 95 years.

Our clients include automotive OEMs as well as a large number of Tier 1, 2 and 3 automotive industry suppliers. They benefit from our counsel on a vast range of issues, including:

Appellate

Our team of dedicated appellate lawyers handles appeals of matters litigated by our trial court lawyers as well as matters originally litigated by other counsel. In fact, because of the unique nature of appellate work and our exceptional depth in the field, it is not uncommon for businesses to seek our representation at the appellate level even when content with previous non-Dykema trial counsel. We are experienced in all types of appeals—from en banc proceedings to administrative agency rulings—and are adept at both identifying potential appellate issues and in framing persuasive arguments on appeal. Our uncompromised commitment to our automotive industry clients is reflected in our outstanding record of success.

Class Actions

We offer knowledgeable, strategic defense of class action claims related to product design, development and sales, product safety and performance, dealer termination and product-related consumer finance disputes. While we aim for pre-suit resolution of class action claims, when a matter goes to trial we are tenacious and skillful advocates for our clients.

Commercial Litigation

Dykema commercial trial lawyers represent our automotive industry clients in many varied types of commercial actions. We are dedicated to delivering efficient and effective in- and out-of-court resolution in every commercial case—from warranty recovery issues to troubled supplier litigation, from contract disputes to antitrust litigation, and from business torts to the wide variety of other business-to-business claims.

Dealership Related Litigation

Dykema knows the dealer business inside and out and applies this knowledge to successfully represent and deliver results to our OEM clients when faced with dealer termination disputes, product-related consumer finance matters and other dealer related litigation.

Discovery Management

Successful dispute resolution depends on the conscientious and comprehensive building of a lawsuit from the bottom up. Our attorneys are experienced in all aspects of discovery, e-discovery and document and information management, which enables us to craft, support and ultimately prove solid, persuasive, and winning positions for our clients. We were among the first firms to undertake the role of National Discovery Counsel, developing from scratch a program to effectively handle all aspects of discovery in tens of thousands of toxic tort cases pending across the country.

Labor and Employment

Ranked as a 2019 national “Best Law Firm” in Litigation-Labor & Employment by *U.S. News-Best Lawyers* and a leading labor and employment firm by *Chambers USA 2019*, Dykema’s lawyers apply their knowledge of evolving labor and employment law to further the interests of our automotive industry clients when they are faced with litigation. We represent automotive industry clients in employment-related cases, from civil rights and employee benefit disputes to discrimination claims and wage and hour litigation.

Product Liability

As a leader in automotive product liability and product recall litigation, we have taken tough bet-the-company lawsuits to verdict in some of the nation’s most challenging jurisdictions. We have defended hundreds (if not thousands) of claims for a wide range of products, systems and components including airbags, seat belts, fuel storage systems, fuel delivery systems, vehicle control and stability systems, roof structures, seats, seat heaters, electrical switches and systems, wheels, tires, brakes, suspension systems, and an entire spectrum of crashworthiness claims. We defend and try personal injury, wrongful death cases, property damage claims, and product recall and related product defect litigation—including class actions—across the country.

Property Tax Appeals

We appeal property tax assessments in all available forums—including state treasury departments, tax tribunals and other state courts and agencies—and boast a strong track record of successful outcomes.

Supplier Disputes

Using the arsenal of available actions and remedies to craft customized solutions for handling supplier conflicts and disputes, Dykema lawyers successfully resolve all types of supply chain disputes, including those involving the production, sale, distribution and maintenance of products and tooling. We also prepare pre-litigation demands for resolution, craft contract terms for inclusion in supplier contracts facilitating efficient dispute resolution, negotiate and draft settlement agreements and related documents, and renegotiate and revise contract terms where doing so results in resolving a conflict in our client’s best interests short of trial.

Toxic Torts

We provide comprehensive, informed representation to automotive OEMs and suppliers facing the challenges presented by toxic tort claims, which is carefully designed to achieve positive results. Having worked on hundreds of such cases across the country, our lawyers not only know the specific automotive industry issues, but also the outside issues, science, experts and courts involved.

Experience Matters

Our automotive litigation team has:

- Served as national or regional counsel to major automobile manufacturers in air bag, brake pressure switch and fire litigation. In this capacity, we handle strategic subject matter development, expert preparation and coordination, preparation and defense of company witnesses, discovery, and trial. To date, we have handled hundreds of cases—coast-to-coast—and multidistrict litigation.
- Served as national discovery counsel for a major automobile manufacturer in asbestos, benzene and silica premises cases pending across the country. We standardized responses, created massive document repositories, and prepared and defended all corporate witnesses and experts.
- Represented a major automotive manufacturer in a six-week jury trial in a Missouri court. The case arose from a post-collision fire involving a police patrol vehicle parked on the highway shoulder. The state trooper and plaintiffs were sitting in the patrol car when a truck towing a 32-foot trailer hit the rear of the patrol car at approximately 65 mph. Plaintiffs asked the jury for more than \$47 million in damages, claiming the patrol car was defective for a variety of reasons. We showed the jury that the vehicle included various features which have made it the top selling police vehicle for nearly a decade, met industry requirements, and no vehicle was designed to perform in accidents of this severity. After only two hours of deliberation, the jury returned a no-cause in favor of our client.
- Represented a manufacturer of radar-scattering camouflage units in a case brought by one of its competitors alleging tortious interference and attempted monopolization, and seeking approximately \$70 million in damages. On behalf of our client, we moved the court to summarily dismiss the action on the pleadings on the grounds that plaintiff's claims failed to allege facts sufficient to demonstrate plausible claims. The magistrate who decided our motion agreed.
- Received a trial victory in a class action in which plaintiffs alleged our OEM client committed fraud by failing to disclose the risk of fuel-fed fires following high-speed rear impact collisions.
- Successfully defended appeals from grants of summary disposition in our automotive clients' favor in various commercial cases, including matters involving indemnification, worker's compensation, insurance coverage and supplier disputes, as well as personal injury matters involving company-owned cars.

Publications

"How does autonomous vehicle technology impact automaker liability?"

September 12, 2019

Automotive World

"Successful Manufacturing Contracting—It's More than Standard Terms and Conditions"

February 2018

Manufacturing Today

"Decision in Genesis Healthcare Leaves Key Question Unanswered"

April 18, 2013

IADC Class Action and Multi-Party Litigation Committee Listserv

"State of the Automotive Industry"

October 17, 2012

Dykema Publication

"The Buzz On Electric Vehicle Safety"

February 14, 2012

Law360

"The Legal Implications of the Disaster in Japan"

July 3, 2011

Autobeat Insider Perspectives

"Speed Bumps Ahead"

May 20, 2011

Automotive, OEM & Supplier Litigation (Cont.)

The Deal Magazine

"Regulation of the 'Connected Vehicle' —Issues and Models"

March 14, 2011

Product Safety & Liability Reporter, BNA

Speaking Engagements

Critical Considerations: Autonomous Vehicle Product Liability and Potential Legal Risks

January 15, 2019

New PVC Regulations and the Implications on Customer/Supplier Pricing, Motor Vehicle Metals and Resins Conference

Rule 68 Offers to "Pick Off" the Named Plaintiff: Legal Update, Tactics and Best Practice, Webinar, International Association of Defense Counsel

December 2012

Automotive Industry Outlook 2013

December 12, 2012

Automotive Institute: Legislative and Regulatory Issues Currently Impacting the Automotive Industry

April 18, 2012

Blockbuster Developments in Class Action Litigation, Co-Panelist, 22nd ABA Conference on Automotive Product Liability Litigation, Phoenix, Arizona

March 28-30, 2012

Bridging the Divide: Plaintiff and Defense Counsel Mediation Summit, Panel Co-Moderator and Co-Chair of Conference, 22nd ABA Conference on Automotive Product Liability Litigation, Phoenix, Arizona

March 28-30, 2012

Managing Risk in a Rapidly Growing Market: How the Automotive Industry is Preparing for Hybrid and Electric Vehicle Liability Claims, 2012 Emerging Issues in Motor Vehicle Products Liability Litigation, ABA, Tort Trial & Insurance Section

March 28-30, 2012

Automotive Institute: Opportunity, Risk and Liability Social Channels

October 19, 2011

Autobeat Insider Conference

June 23, 2011