

Automotive

The automotive industry is in a state of constant change, but recent innovations in technology and business models have made it more important than ever for companies to stay nimble and adapt to changing forces across the industry. Polsinelli's attorneys have a comprehensive understanding of the automotive industry and have worked with its major players for decades.

We represent OEMs, rental car companies, truck and motorcycle rental companies, car sharing companies and automobile dealerships as well as companies pursuing new and emerging business models for the use of vehicles. Our clients hail from every level of the automotive supply chain, and they call upon us to serve as business partners as they evaluate innovative programs to help them maintain a competitive advantage.

With particular depth in the area of mobility and vehicle use, examples of our work in this industry include:

- Representation of major automotive manufacturers in development of programs related to car-sharing
- Negotiations with airports to allow parking and drop-off privileges for car-sharing programs
- Litigation involving negligent entrustment claims
- Representation in franchise litigation and contract issues
- Representation of multi-platform businesses
- Products liability litigation
- Defense of allegations of fraud and warranty breaches
- Defense of consumer class actions
- Regulatory and statutory compliance counseling
- Employment counseling and litigation
- Patent and trademark counseling, prosecution and litigation
- Corporate development, including acquisitions/divestitures and import/export

The evolving nature of the automotive industry creates constant challenges for companies in a diversity of areas. Innovative new models for mobility raise interesting questions in the areas of labor and employment (including independent contractor/employer/co-employer issues), privacy and data security, complicated tax issues and insurance liability. We bring to each representation both a global understanding of the automotive industry as a whole and of the unique legal issues involved in each use model. We use this critical knowledge to partner with clients to protect existing programming and develop future innovations.

Matters

Litigation

- Represented a car rental company in a putative nationwide class action concerning administrative and other fees charged to customers.
- Represented a national rental car company in defending against multiple representative and class actions alleging violations of various consumer statutes.
- Represented a retailer in a class action in California alleging a violation of a consumer protection statute in connection with the sale of automotive products.
- Represented a national rental car company in the defense of various tort claims, including negligent entrustment.
- Represented a rental car company in the revision of its rental agreement.
- Represented North America's largest intercity bus transportation provider in \$200 million defective design and breach of contract lawsuit brought in Illinois Circuit Court.
- Represented automotive companies in defending consumer class actions at the state and federal levels arising out of allegations of fraud and warranty breaches related to engine and other vehicular components and systems.
- Represented national automotive retailer in suit seeking millions in damages. Jury awarded plaintiffs a nominal amount.
- Co-lead counsel in successful defense of automobile maker in product liability asbestos/mesothelioma litigation. Jury verdict for automaker at the end of a ten-week jury trial.
- Lead counsel in successful defense of major international automotive manufacturer in race-based employment discrimination case after seven trial days and two days of deliberation.
- Obtained a no-dollar dismissal from a multi-party \$80 million dollar environmental CERCLA contribution lawsuit for a leading global automotive systems supplier.

Intellectual Property Counseling & Litigation

- Award in favor of tier-one automotive supplier in arbitration of ownership/inventorship of patents relating to airbag cover technology.
- Represented tier-one automotive supplier of thermoplastic products in multi-patent infringement lawsuit brought by competitor in U.S. District Court, Eastern District of Michigan, relating to airbag cover technologies.
- Led investigations and efforts related to counterfeit oil filters on behalf of a major manufacturer of luxury vehicles.
- Successfully defended a major automotive producer when one of their key patents related to drive technology was challenged.
- Undertook significant patent filings and managed strategies in advance tech areas for a major manufacturer of luxury vehicles. Maintained foreign offices in conjunction with these efforts for over a dozen years.
- Successfully defended an automotive manufacturer in a multi-patent litigation involving telematics, including the preparation of post grant proceedings against five patents. As a result, the matter resolved for less than three percent of the demand.
- Served as outside general counsel and were seconded to a manufacturer of environmentally friendly automotive / automotive systems company for three years. Managed their Intellectual Property strategy and coordinated with the automotive industry's advanced battery initiative.
- Representation of plaintiff in copyright infringement matter relating to software utilized to facilitate transactions between automotive finance companies and automobile purchasers.

Corporate & Transactional

- Represented a car sharing company in the development of its business and provided risk analysis.

- Determined tariff classifications and countries of origin of automotive products imported into the United States
- Represented a private equity portfolio client in the sale of its automotive business unit to a private equity buyer.
- Designed and implemented technology development and commercialization strategies and policies for clients in the automotive industry.