



JONATHAN SOLISH

Partner

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BIOGRAPHY

Jonathan's a highly acclaimed franchise litigator with a proven track record of excellence. He served as Editor-in-Chief of the ABA Franchise Law Journal and wrote the BNA Bloomberg treatise *Franchising* with his partner, Ken Costello. Jonathan has published scores of articles on franchise issues and is frequently a speaker at franchise law conferences. He leads a team of eight California board certified franchise lawyers. Jonathan has extensive experience nationally and internationally in all aspects of franchise law including mergers and acquisitions, the operation of competing franchise brands, inadvertent franchises, renewals, terminations and system-wide change. His passion lies in navigating the intricate landscape of franchising law, advising and advocating for clients, and achieving remarkable results.

Throughout his career, Jonathan's been honored with numerous accolades and recognitions for his contributions to the field of franchising law. He is one of eight lawyers in the United States

recognized as a Global Elite Thought Leader in the field of franchising. He is ranked in Band 1 in Chambers Franchising Nationwide and has a Tier 1 designation in Best Lawyers in America. Over the years, Jonathan has been consistently named one of the Ten Most Highly Regarded Franchise Lawyers in North America by the International Who's Who of Franchise Lawyers. He has been recognized twice by Best Lawyers in America as Franchise Lawyer of the Year in Los Angeles.

In addition to his accolades, he has achieved significant milestones in his legal career. Jonathan was honored with the Law 360 Verdict Lion Award in October 2019. He was also recognized for handling the Largest and Most Significant Appellate Reversals in California in 2019 by the LA Daily Journal in February 2020.

CIVIC INVOLVEMENT & HONORS

- Law 360's Weekly Verdict Lion (October 24, 2019)
- Vice Chair, IFA Legal Legislative Committee (2016-2018)
- *Franchise Times Franchise Lawyers Hall of Fame* (2015) (based upon being named as a top franchise lawyer in the US every year the survey has been conducted)
- California State Bar Certified Franchise Specialist
- *Chambers USA, Franchising Nationwide*, one of the top 7 lawyers in US (Band 1)
- *Best Lawyers in America (Tier one)* (2006–2024)
- *Best of the Best USA* (one of top 25 pre-eminent franchise lawyers in U.S.)
- *Los Angeles Magazine* – Southern California “Super Lawyer” (2005–2020)
- *Best Lawyers in Southern California*, Los Angeles Times (2003–2019)
- Citizen's Advisory Committee for the 1984 Los Angeles Olympic Games

PROFESSIONAL AFFILIATIONS

- American Bar Association – Forum Committee on Franchising, (1984-present); Litigation and Dispute Resolution Steering Committee, (2001-2006); Franchise Law Journal, Editor-in-Chief, (1997-2000); Associate Editor, (1992-1997); Forum Committee on Franchising Governing and Leadership Committee, (1997-2000); Antitrust Section and Antitrust Subsection on Franchising, (1990-present); Appellate Advocacy Committee (1989-present); Antitrust Task Force on Legislation and Regulation; California Franchise Law Committee.

- Appointed by California State Bar Board of Governors to the California Franchise Law Consulting Group (2006)
- State Bar of California–International Law Section, 1990-present; Franchise Law Committee, (1991-1995), (2009-2013)
- Los Angeles County Bar Association–Antitrust Section, (1990-present); Pacific Rim Committee; Appellate Practice (1989-present)
- Has attended every ABA Forum Committee on Franchising and International Franchise Association legal symposium since 1984

ADMISSIONS

- California, 1975
- United States Supreme Court
United States Courts of Appeals for the Ninth and Federal Circuits
United States District Courts for the Central, Eastern, Northern and Southern Districts of California

EDUCATION

University of California-Los Angeles, J.D., 1975

University of California-Santa Cruz, B.A., 1971

RELATED CAPABILITIES

- Franchising
- Appellate
- Corporate
- Litigation & Dispute Resolution
- Litigation & ADR
- Regulatory Franchising
- Transactional
- Franchise Mergers & Acquisitions
- Business & Commercial Disputes

EXPERIENCE

- *Monster Energy Corp. v. **City Beverages, LLC**, 940 F.3d 1130 (9th Cir. October 22, 2019)* (vacating an arbitration award because JAMS failed to disclose that the arbitrator was a JAMS shareholder who shared in the profits of 97 other arbitrations in which adversary was a party and requiring disclosure of such facts in all arbitrations)
- *Vazquez v. Jan-Pro Franchising Int'l, 923 F.3d 575 (9th Circuit May 2, 2019)* (amicus curiae on behalf of IFA leading to the withdrawal of published opinion and en banc rehearing of decision that held that franchisors had no defense to franchisees' employment claims and that a complete revision of the test for employment was retroactive)
- *Red Carpet Rent A Car, LLC v. **Avis Budget Rent A Car System, Inc.**, Civil Action H-16-1791 (S.D. Texas Dec. 29, 2017)* (dismissing fraud and breach of contract claims against Avis on summary judgment)
- *Carl's Jr. Restaurants, LLC v. **6Points Food Services, Ltd.**, Franchise Guide (CCH) ¶ 15,796(C.D.Cal. 2016)* (dismissing suit to allow Canadian area developer to present its claims under franchise statutes to a Canadian court)
- *Valdovinos v. **American Logistics** (Cal. App. 2014)* (affirming denial of class certification due to lack of typicality)
- *Valdovinos v. **American Logistics** (Orange County Superior Court 2014)* (denial of certification of paratransit drivers who claimed employment rights for lack of commonality, superiority, and typicality)
- *Ambrose v. **Avis Rent a Car Systems, Inc.**, Franchise Guide (CCH) ¶ 15,518 (C.D. Cal. 2014)* (denying summary judgment to plaintiffs in mass action challenging independent contractor status)
- *AYU Global v. **Sumitomo Corp.**, Bus. Franchise Guide (CCH) ¶ 15,083 (Cal.App. 2013)* (affirming dismissal of fraud claims, leading to dismissal of all claims by other 25 franchisees)
- *Pearland Rent A Car v. **Avis Rent A Car System, Inc.**, (S.D. Tex. 2012)* (dismissing breach of contract and discrimination claims)
- *AYU Global v. **Sumitomo Corp.**, Bus. Franchise Guide (CCH) ¶ 14,760 (Superior Court 2011)* (dismissing all contract, fraud, antitrust and concealment claims brought by franchisee tire dealers—bellwether case of 25 similar claims)

- *In re Shubh Hotels Pittsburgh, LLC*, 439 B.R. 637 (Bankr. W.D. Pa. 2010) (franchisee's move from Hilton to Wyndham could not be blocked by secured creditor)
- *Duke v. Avis Rent a Car System, Inc.*, Bus. Franchise Guide (CCH) ¶ 14,528 (2009), 2010 WL 4706093 (Cal. App. 2010) (affirming trial court's denial of class certification challenging Avis and Budget agency operator system), *aff'd* (Cal. Supreme Court 2011)
- *Laney v. Avis Rent a Car System, Inc.*, 2010 WL 723743 (S.D. Tex.) (dismissing sex and race discrimination suit for lack of standing)
- *Century Pacific, Inc. v. Hilton Hotels Corp.*, 2009 WL 4072087 (2d. Cir. 2009) (Second Circuit affirmed that Hilton did not act wrongfully in selling Red Lion brand and confirming judgment on counterclaim against franchisee)
- *Exposito v. Hilton Hotels Corp.*, Bus Franchise Guide (CCH) ¶ 14071 (L.A. Sup. Ct. 2008) (franchisor and its Chairman and General Counsel are not liable for A.D.A. claims)
- *Dark v. Hilton Hotels Corp.*, Franchise Guide (CCH) ¶ 14,070 (L.A. Sup. Ct. 2008) (no A.D.A. claim for violation of unfair practices act)
- *Pearle Vision v. McNamee*, (W.D. Ohio 2008) (dismissing claims for breach of franchise agreement because of franchisee's prior material breach)
- *Century Pacific v. Hilton*, 2007 WL 3036172 (S.D.N.Y. 2007) (Hilton's sale of Red Lion chain gave rise to no franchisee legal claims)
- *FF Orthotics, Inc. v. Good Feet*, Bus. Franchise Guide (CCH) ¶ 13,389 (Cal.App. 2006) (franchisor was not liable for price fixing or illegal tying claims).
- *Douglass v. Super 8 Motels*, , Bus. Franchise Guide (CCH) ¶ 13,283 (D.Wyo. 2006) (franchisor is not liable under Americans with Disabilities Act just because it identified defective instrumentality that later injured the plaintiff).
- *Ramada Franchise Systems, Inc. v. Kouza*, Bus. Franchise Guide (CCH) ¶ 13,282 (S.D.Cal. 2005) (no cure notice necessary after multiple disputes).
- *Custom House v. Doubletree*, Bus. Franchise Guide (CCH) ¶ 13,067, ¶ 13,068 (Ariz. Sup. Ct. 2005) (after new owner adopted Hilton's frequent guest reward program as new brand standard, franchisees were obligated to comply)
- *Century Pacific v. Hilton*, Bus. Franchise Guide (CCH) ¶ 12,800 (S.D.N.Y. 2004) (contractual choice of New York law did not invoke protection of New York Franchise Sales Act)

- *Asser v. CyberTrader*, 2004 WL 171598, 171601 (Cal. App. 2004) (affirming no jurisdiction arising from operation of Internet website)
- *Adees v. Avis*, Bus. Franchise Guide (CCH) ¶ 12,702 (C.D. Cal. 2003) (granting summary judgment on ground that no franchise created under California Franchise Investment Law), affirmed by the Ninth Circuit Court, 2005 WL 2250745 (September 16, 2005)
- *Arora v. Jackson Hewitt*, Bus. Franchise Guide (CCH) ¶ 12,615 (C.D. Cal. 2003) (franchisee representative action challenging right to compel litigation in New Jersey as an unfair practice had to arbitrate in New Jersey)
- *El Pollo Loco v. Hashim*, 316 F.3d 1032 (9th Cir. 2003) (franchise misrepresentations justified termination without opportunity to cure)
- *Okocha v. Jani-King Franchising*, (W.D. Wash. Dec. 2002), Business Franchise Guide (CCH) ¶ 12,479 (granting summary judgment against franchisee on eight counts including race discrimination)
- *Morrison v. Avis*, Bus. Franchise Guide (CCH) ¶ 12,524 (W.D. Wash. 2002) (denying temporary restraining order as to termination without cause of purported franchise), Bus. Franchise Guide (CCH) ¶ 12,701 (W.D. Wash. 2003) (upholding legality of termination)
- *Inamed v. Kuzmak*, 275 F.Supp.2d 1100 (C.D. Cal. 2002) (denying licensee's summary judgment and sua sponte entering judgment for patent holder)
- *Lee v. GNC*, Business Franchise Guide Bus. Franchise Guide (CCH) ¶ 12,411 (C.D. 2001) (dismissing Robinson-Patman and RICO claims), Bus. Franchise Guide (CCH) ¶ 12,248 (C.D. 2002) (granting summary judgment dismissing case, holding that renewal may be conditioned on the execution of a general release), ¶ 12,717 (9th Cir. 2003) (upholding dismissal of virtually all claims, leading to plaintiff's dismissal of remaining case)
- *Belverd v. IHOP Corp.*, United States District Court, Business Franchise Guide (CCH) ¶ 12,026 (M.D.N.C. 2000) (franchisor and franchisee did not reach a meeting of the minds on the terms of a purported oral settlement agreement)
- *Duarte v. GNC*, Business Franchise Guide (CCH) ¶ 11,815 (C.D. Cal. 2000) (forum selection clause negated state franchise statute)
- *Whittle v. Jamba Juice*, Business Franchise Guide (CCH) ¶ 11,854 (Utah Dist. Ct. 1999) (contractually shortened statute of limitations barred franchisee claims; no successor liability on part of acquiring franchisor)
- *Pang v. Jani-King of California, Inc.*, Business Franchise Guide (CCH) ¶ 11,801 (Cal.App. 1999) (affirming denial of class certification)

- **Big O Tires v. Granada Enterprises**, Business Franchise Guide (CCH) ¶ 11,607 (C.D.Cal 1999) (continued use of trademark after termination of franchise violated Lanham Act)
- **New Line Cinema v. Little Caesar Enterprises, Inc.**, 1999 WL 420185 (C.D.Cal) (executed letter of intent for \$20 million dollar movie promotion was not binding); reversed, then settled on appeal).
- **Denny's v. Northeast Inn of Meridian, Inc.**, Business Franchise Guide (CCH) ¶ 11,552 (C.D. Cal 1998) (Mississippi franchisee, terminated for failure to adhere to civil rights decrees, had to litigate in Los Angeles)
- **Cameron v. AAMCO Transmissions, Inc.**, Business Franchise Guide (CCH) ¶ 11,661 (Cal.Superior Court 1998) (franchisor has privilege to interfere with relationship between franchisee and its managers)
- **Silka v. Surface Doctor**, Business Franchise Guide (CCH) ¶ 11,314 (C.D. Cal. 1997) (California franchise relations act is pre-empted by federal arbitration act)
- **Remington Investments, Inc. v. Hamedani**, (1997) 55 Cal.App. 4th 1033, *den.* (U.S. Supreme Court 1998) (bank acquiring note from predecessor bank lacks evidentiary basis to establish right to collection)
- **Jamerson v. McDonald's** (no franchisor liability as a matter of law for drive-through area shooting)
- **6th & K, Ltd. v. Ramada Franchise Systems, Inc.**, Business Franchise Guide (CCH) ¶ 10,721 (S.D. Cal. 1995) (franchisor's earnings claims used to obtain financing later repudiated when system was sold; failure to register in California; San Diego market saturated with Ramadas, encroaching on protected territory, misuse of advertising funds, deterioration of system, failure to disclose plan to sell system. All claims defeated; seven figure award for liquidated damages)
- **McKinley v. Great Harvest**, Business Franchise Guide (CCH) ¶ 11,260 (C.D. Cal. 1997) (properly drafted post-term covenant is enforceable in California)
- **Garcia v. Midas International**, Business Franchise Guide (CCH) ¶ 11,149 (Cal.App. 1997), *aff'd*, California Supreme Court (1997) (franchisor not liable for the employment torts of its franchisees)
- **Artim v. Great Harvest**, Business Franchise Guide (CCH) ¶ 11,259 (E.D. Cal. 1997) (post-term covenant in franchise agreement did not violate California law)
- **Martin v. 7-Eleven**, Bus. Franchise Guide (CCH) ¶ 11,019 (Cal.App. 1996) (no ostensible agency as to franchisor when 7-Eleven clerk attacked patron with machete)

- *Cislaw v. 7-Eleven* (1992) 4 Cal.App.4th 1284 (franchisor was not vicariously liable for death of patron)
- *Vicorp Restaurants, Inc. v. Village Inn Pancake House of Albuquerque*, Business Franchise Guide ¶ 10,994 (D.N.M. 1996) (no duty of good faith not to encroach on exiting franchise territory)
- *O'Leary v. Mid-Wilshire Associates* (1992) 7 Cal.App.4th 1450 (refusal to vacate ground rent arbitration award not appealable)
- *Silberg v. Anderson* (1990) 50 Cal.3d 205 (amicus for 7-Eleven) (litigation privilege is absolute)
- *The Southland Corporation v. Emerald Oil Co.*, 789 F.2d 1441 (9th Cir. 1986) (7-Eleven had a priority security interest under Commercial Code)
- *Nelson v. Tiffany Industries, Inc.*, 778 F.2d 533 (9th Cir. 1985) (product liability claims may be prosecuted against a transferee out of bankruptcy)
- *Strang v. Cabrol* (1984) 37 Cal.3d 720 (amicus for 7-Eleven) (franchisor was not liable for death cause by inebriated minor)
- *CIM International United States*, 641 F.2d 671 (9th Cir. 1980) (tax regulation could not override Federal Aviation Administration registration)
- Thirty-six years of trial experience, handling cases in nearly every state
- Editor-in-Chief of *Franchise Law Journal* (ABA) (1996-2000)
- Filed Amicus Curiae brief on behalf of International Franchise Ass'n in *Juarez v. Jani-King* (9th2013)
- Trials in Los Angeles, Pittsburgh and State College, Pennsylvania against an electronics chain resulting in judgments and settlements of over \$5 million
- Defeated a series of cases brought against Hilton, its Chairman of the Board, General Counsel and in house lawyers, through jury trial and summary judgment motions
- Trial in Florida against Piper Aircraft on behalf of terminated dealer with total recovery of approximately \$5 million
- Arbitration award of \$2.4 million on behalf of terminated tea distributor (2010)
- Represented Britney Spears in a licensing dispute with Skechers
- Represented Dick Clark in securities class action

- Represented Ray Charles in litigation
- Quality Control training at McDonald's Hamburger University
- Lead counsel in numerous franchise class actions, including cases in Texas, California and Pennsylvania
- Arbitration over re-appraisal of real property with recovery of approximately \$8 million
- Arbitration in Dallas, Texas on acquisition case with recovery of approximately \$2 million
- Served as mediator in settling several franchise disputes including class action

RESOURCES

PUBLICATIONS

Books

- *Franchising (with Ken Costello) (Bloomberg BNA 2014, 2017) (treatise on franchise law)*
- *Franchise Litigation Handbook*, American Bar Association (2010) – chapter on franchise trials (2020 revision in progress)
- *Annual Franchise and Distribution Law Developments 2007* (American Bar Association)
- *California Franchise Law and Practice*, CEB (2009) (2011) – chapter on California Franchise Relations Act
- *Covenants Against Competition in Franchise Agreements*, American Bar Association (2004, 2012) - author of California chapter and editor as to states in the Ninth Circuit

Articles and Presentations

- Franchise Litigation (American Bar Association, 2021)
- Judicial Update on Misclassification (International Franchise Association)
- Lecture on franchise Litigation (Ohio State graduate program, May 2020)
- Stradivarius Reconsidered: Drafting the Perfect Franchise Arbitration Instrument (*Franchise Law Journal* Special 40th Anniversary Edition for Former Editors-in-Chief, 2020)
- International Arbitration (International Franchise Association, 2020)

- Lecture on arbitration law (Boston University LLM program, December 2019)
- “The ABC’s of AB-5” (American Corporate Counsel, November 2019)
- “How Should the FTC Rule Be Restructured?” (American Bar Association, 2019)
- “What are Franchises to Do After *Dynamex*, AB-5 and *Vazquez*?” (Law360, September 2019)
- “A Dark Day for Franchising: Ninth Circuit Reinstates its Misguided *Vazquez* Decision, Undermining the Franchise Business Model” (National Law Review, September 27, 2019)
- “AB-5 Opens Up Damages Claims That Go Far Beyond the Mere Codification of ‘*Dynamex*’” (Law.com/the Recorder, September 24, 2019)
- New California Law Disrupts Franchise Relationships (BCLP, September, 2019)
- “How Do You Spell Trouble? California AB5 (Forbes Magazine, September 11, 2019) (with Anthony Marks)
- “California’s Unfriendly Franchise Legislation” (International Franchise Association, 2019) (webinar)
- “Storytelling in Trials,” with Dale Launer (author and producer of *My Cousin Vinny*) (American Bar Association, 2017)
- “Will the NLRB Fundamentally Change the Franchise Industry?,” co-moderator of plenary session with David Weil, Administrator of the Wage & Hour Division of the U.S. Department of Labor and Richard Griffin, General Counsel of NLRB, (American Bar Association, 2015)
- “Non-Disclosure and Omission Claims under the New FTC Rule” (American Bar Association, 2013)
- “Navigating State Relationship Laws” (International Franchise Association, 2013)
- “Franchise Litigation Intensive Program” (American Bar Association, 2011)
- “Franchising in the Middle East” (Conference on the Economic Future of The Middle East, Doha, Qatar, 2011)
- “The Most Frequently Litigated Substantive Provisions in Franchise Dealership Agreements” (American Bar Association, 2010)
- “Financial Performance Representations” (International Franchise Association, 2009)

- “Reflection on the Arbitration of Franchise Disputes in the United States” (Ontario, Canada Bar Association, 2009)
- “Driving Compliance Without Termination During an Economic Downturn,” (International Franchise Association, 2009)
- “Just How Wrong Does an Arbitrator Need to Be?” (American Bar Association, 2008)
- “The California Franchise Investment Law. . . A Look Back,” *The Franchise Lawyer*, January 2007
- “Current Developments in Franchise Law” (American Bar Association, 2007)
- “Unrecoverable Investments Define Franchise Relationships,” *Franchise Law Journal*, Summer 2006
- “The New Federal Rules on Electronic Discovery-What You Don’t Know Could Hurt You” (International Franchise Association, 2006)
- “Anticipated New Federal Rules on Electronic Discovery,” *Franchise Business & Law Alert*, August 2006
- “Technology and the Litigator” (American Bar Association, 2005)
- “Consumer Class Actions,” (American Bar Association, 2003)
- NITA trial training program, Effective Direct and Cross-Examination in Franchise and Distribution Disputes, American Bar Association, 2003 (instructor)
- “Debunking the Myths of Area Development Agreements,” *Franchise Update*, 2002
- “Franchise and Management Agreements,” NYC Hospitality Conference, 2002
- “Procedural Issues in Franchise Litigation” (International Franchise Association, 2001)
- “Legal Issues Arising From the Ownership of Competing Franchise Systems” (American Bar Association, October 1999)
- “Quality Control Terminations in Franchising” (International Franchise Association, March 1999)
- “The Mediation of Legal Disputes” (American Bar Association, May 1998)
- “Ethics and Conflicts” (American Bar Association, 1997)

- “We Have a Subsidiary Who Can Get It For You Wholesale: A Survey of the Antitrust Consequences of Franchise Sourcing Limitations at the Millennium” (ABA Section of Antitrust Law, August 1997)
- “Canvassing Issues in Supplier Relationships: Antitrust Implications of Tying Arrangements, Rebates, Kickbacks and Exclusive Supplier Programs” (American Bar Association, 1996)
- “Franchisor Assumption of Liability” (International Franchise Association, 1996)
- “Kodak Applied to Franchise Cases” (*Franchise Law Journal*, Fall 1996)
- “Antitrust Ramifications of Sourcing Requirements” (International Franchise Association, 1995)
- “Virtual Maintenance Decision Addresses ‘Locked in Buyers” (*Franchise Law Journal*, Winter 1994)
- “The Perils of Controlling Franchise Real Estate” (American Bar Association Forum on Franchising, 1994)
- “Evolution of Vicarious Liability as Applied to Franchise Law” (American Bar Association, 1993)
- “Working Creatively With Franchise Relationship Laws” (American Bar Association, 1993)
- “Turning Your Arbitration Instrument into a Stradivarius” (*Franchise Law Journal*, Spring 1992)
- “A Survey of Franchise Law in the Pacific Rim” (Los Angeles County Bar Association, 1992)
- “Franchising in Twelve Countries in the Asian Pacific Rim,” Practical Guide to Trade and Investment in the Pacific Rim (State Bar of California, 1992)
- “Franchising in Asia,” Trade and Investment in the Pacific Rim (State Bar of California, 1992)
- “Collateral Estoppel in Franchise Litigation,” *Franchise Law Journal*, Spring 1991
- “Hot Topics in Franchise Litigation” (International Franchise Association Symposium, 1991)
- “Litigation Strategies” (American Bar Association, 1989)
- Testimony Before the Federal Trade Commission on Optometry Franchising, 1984

RELATED INSIGHTS

Awards

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Blog Post

Apr 24, 2020

U.S. COVID-19: Preparing a Reopening Plan - Five Steps to Take Right Now