

## LITIGATION & ADR

### OVERVIEW

BCLP's litigation and dispute resolution practice is considerable and broad-based. We have litigated and arbitrated matters involving all aspects of the franchise relationship throughout the United States . Some of the issues we have handled include: allegations of wrongful termination and failing to renew; allegations of RICO violations; claims of advertising fund impropriety; antitrust tying claims; claims arising out of supplier restrictions and rebates; claims of fraud; claims of breach of contract and alleged lack of good faith and fair dealing. We also have handled claims arising out of system acquisitions and divestitures; allegations of violations of the Americans with Disabilities Act; allegations of violations of various state consumer protection laws; class actions claims; claims implicating potential vicarious liability for franchised outlets; encroachment claims and boundary disputes.

### REPRESENTATIVE LITIGATION FRANCHISE MATTERS:

- Represent franchisors in numerous groundbreaking franchise-related decisions.
- Enforce termination rights of franchisors throughout the country.
- Defend franchisors against claims of violations of the various state franchise investment and relationship statutes.
- Represent franchisors in connection with inquiry letters and investigations by government agencies.
- Obtain dismissal of encroachment claims at the pleading and summary judgment stage.
- Enforce franchisors rights to obtain general releases from franchisees at various stages in the franchise relationship.
- Defend franchisors against claims of nondisclosure and fraud.
- Obtain favorable judgments against claims of unfair competition against franchisor for competing with franchisees.
- Defend claims arising out of acquisitions and sales of franchise systems.

- Manage quality assurance litigation for several franchise systems.
- Defend claims related to advertising fund improprieties.
- Obtain dismissals of race and other discrimination claims.

## MEET THE TEAM



### **Anthony J. Marks**

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## RELATED CAPABILITIES

- Antitrust
- Business & Commercial Disputes
- M&A & Corporate Finance
- International Trade

## RELATED INSIGHTS

Insights

Jul 29, 2024

### **Navigating legal challenges in French civil fraud cases: An in-depth analysis**

Insights

Dec 01, 2023

### **Looking Forward - the future of (compulsory) ADR in business disputes and the impact of Churchill v Merthyr Tydfil**

Considered as a cheaper, quicker and less stressful mode of dispute resolution, alternative dispute resolution ("ADR") is no longer seen as an "alternative", and indeed has been re-named "NDR" (negotiated dispute resolution)

to reflect that. Instead, it is becoming an integral part of the dispute resolution process – one which is focussed on achieving earlier and less costly resolution over which parties have control rather than engaging in an often expensive, drawn-out dispute before the court with an uncertain outcome. Here we explore where its future lies and what this means for your business.

Awards

October 22, 2021

**Chambers UK 2022**