

2023 USED CAR WEEK

Time to Fight: Prepping for an Automotive Dispute

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Battleplan for Dispute Resolution



- Strategy
- Information privileges
- Evidence holds
- Forum selection
- Pre-filing maneuvers
- Counsel selection

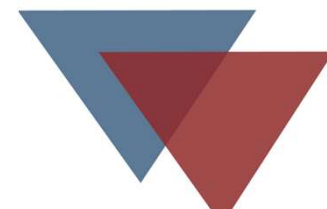


Strategy

- Where are you trying to get?
- What are the big turns in the road?
- What does an acceptable result(s) look like?
- What results are realistic (in our clunky court system)?
- Are there important deadlines?
- What are the pros telling you?



Information Privileges and Considerations



Attorney-client privilege



Work product doctrine



Other professional privileges



Spousal privileges



Trade secrets and proprietary info →



Protective/confidentiality orders

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Law360 - "Now More than Ever
Automakers Must Protect Trade Secrets"



Evidence Holds



What Is
Involved
and Why

- Anticipation of litigation/arbitration
- Proof of your claim
- Sanctions – spoliation, fines, adverse inferences

What Data
Is Included

- Paper, electronic, and metadata
- Goods/property at issue (e.g. cars!)

How to
Collect
Data

- Relevant custodians and agents
- I.T.

Forum Selection



- Court, arbitrator, mediator, or other
- Best *feasible* country/state/county
- Jurisdiction, venue
 - By law
 - By agreement
- Available claims, damages
- Choice of law
- Jury risk
- Costs



Pre-filing Maneuvers



- Assurances – substantive and evidentiary
 - Security, collateral, letter of credit, etc.
 - Guaranties, insurance
 - Liquidated damages
 - Acknowledgement of obligation (with interest?)
- Demand letters
- Mediation – formal and informal
- Settlement negotiations
 - Strategy, admissibility

SCAN FOR ARTICLE

“Loss Mitigation Strategies for Commercial Creditors”



Counsel Selection



Experience

- Industry, parties, tribunal, law, experts
- Type of claim(s), regulators, damages



Location/Admissions



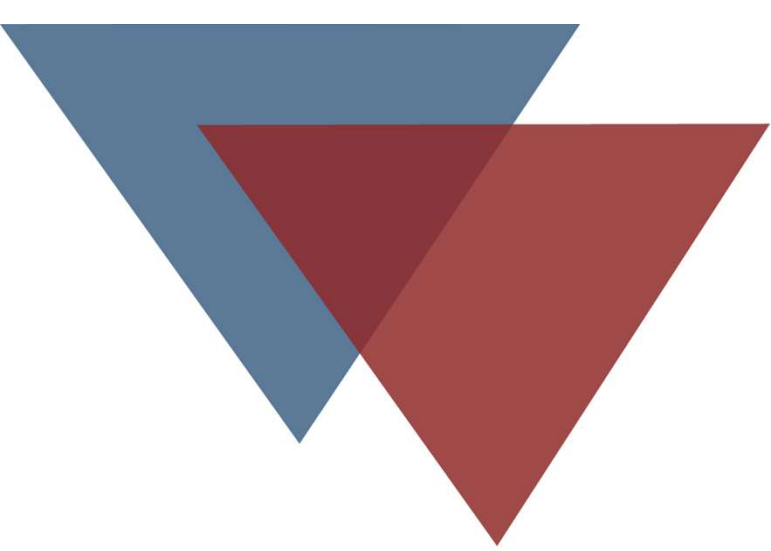
Cost



Messaging to opposing parties



Conflicts



Case Study

Case X



Stolen IP and programming resources to build competitive automotive sales platform and take a large customer account

How did we help the client respond?

Questions? Ask Us



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