

DEALER TERMINATION CASES

To-Am, Inc. v. Mitsubishi Caterpillar Forklift of America, Inc.

To-Am had been terminated by Mitsubishi and filed a wrongful termination action under the Illinois Franchise Act. The jury award in excess of \$1 million plus fees was upheld on Appeal by the Seventh Circuit Court of Appeals. (95C0836; 97-1395)

H.R.R. Zimmerman v. Tecumseh, Inc.

Zimmerman, an award winning dealer, had been terminated in favor of another dealer. The matter was resolved by the parties.

Minnesota Supply Co. (MSC) v. The Raymond Corporation

MSC was terminated by Raymond as a result of its representation of a non-competing line of equipment manufactured by Caterpillar. The jury awarded damages "in the exact amount calculated" (\$14 million). The jury's award was upheld by the Eighth Circuit Court of Appeals. (Civil No. 99-832 [JRT/FLN]); (Nos. 04-1416-1850/2168/3169)

F.M.S., Inc v. Volvo Construction Equipment North America, Inc.

FMS, a Samsung dealer, brought a wrongful termination claim against Volvo. Samsung had sold its excavator and other equipment lines to Volvo. FMS was not offered the Volvo line. The jury award of \$2.1 million exceeded the damages analyses by \$20,000. (November, 2006; 00CV 08143; in the Northern District of Illinois)

Capital Equipment, Inc. v. CNH America, LLC, successor in interest to New Holland North America, Inc.

Capital's relationship with New Holland was terminated. Capital brought an action for wrongful termination. Testimony at a Daubert hearing was required in the Eastern District of Arkansas, Western Division. The report was admitted for trial, scheduled for June, 2007.

Brighton Optical, Inc. v. Vision Service Plan (VSP)

Brighton and three other plaintiffs are franchised Optical Centers and were members of a VSP approved panel of physicians providing services to members of the VSP vision benefits plan. The plaintiffs were removed from the panel and brought an action in the Eastern District of Michigan. The matter was resolved by the parties. (January, 2007).