



## Franchise Litigation

With more than 25 years' continuous experience in representing franchisors (and, occasionally, franchisees), Williams Mullen is well-versed in litigation concerning rights and duties arising out of the franchise relationship. Such litigation has included:

- Actions by franchisors against franchisees to enforce termination of franchise relationships
- Trademark and service mark protection
- System standards enforcement
- Collection of system royalties and other fees
- Recovery of real and personal property involved in the franchise
- Enforcement of covenants against competition

Our franchise law litigation experience includes the defense of franchisors in investigations by the Federal Trade Commission and by state governmental authorities, and in franchise litigation initiated by state governmental authorities, current and former franchisees, and third parties.

Our team has represented numerous franchisors operating in a wide variety of industries, including:

- Hospitality
- Fast food
- Restaurant
- Janitorial services
- Automobile products and services
- Children's services
- Computer and electronics services
- Fitness products and services
- Lawn and garden services

In addition, our franchise attorneys have extensive experience in the alcoholic beverage and automotive distribution industries, including the prosecution and defense of statutorily mandated “good cause” terminations and transfer of business decisions.

## **Wine and Beer**

Williams Mullen has particular knowledge and experience in the representation of wineries and wine wholesalers in disputes arising under state statutes controlling distribution of alcohol – in North Carolina, the Wine Distribution Agreements Act, NC General Statutes § 18B-1200 *et seq.* and in Virginia, the Virginia Wine Franchise Act, Va. Code Ann. § 4. 1-400 *et seq.*

Similarly, the firm brings knowledge and experience to the representation of breweries, suppliers and beer wholesalers in disputes under the Virginia Beer Franchise Act, Va. Code Ann. § 4. 1-500 *et seq.* and the North Carolina Beer Franchise Law, §18B-1300 *et seq.*

Wine and beer disputes handled by the firm’s attorneys have involved primary areas of responsibility, termination, cancellations or non-renewals of agreements, and unilateral modification of agreements or relationships.

In each state, Williams Mullen attorneys have participated in the drafting of relevant acts.

## **Franchise Attorneys Representation in North Carolina, Virginia, Maryland and Beyond**

Our franchise lawyers have represented parties in franchise litigation in state and federal trial and appellate courts throughout Virginia, North Carolina and Maryland, as well as in the District of Columbia, New Jersey, South Carolina, Tennessee, Georgia, Florida, West Virginia and Connecticut. Our federal court experience includes extensive work in the U.S. Bankruptcy Courts.

Members of the firm monitor the latest developments in franchise law by their active participation in the International Franchise Association, the American Bar Association’s Forum on Franchising and in other groups focused on franchising. Our franchise attorneys frequently write and speak on current franchise law topics at meetings and seminars sponsored by these and other organizations.

## **Experience**

### **Representative Experience**

- Represented several hotel franchisors in termination litigation with franchisees seeking injunctions against trademark violations, liquidated damages, compensatory and punitive damages and

attorney's fees.

- Represented hotel franchisor in vicarious liability litigation brought by third-party plaintiff guest for personal injury allegedly caused by franchisee's employee.
- Represented hotel franchisor in vicarious liability litigation brought by guest plaintiff for injuries suffered as a result of criminal conduct by third parties on franchisee premises.
- Represented hotel franchisor in defense of claims by disabled guest plaintiff for alleged violations of Americans with Disabilities Act in franchisor's operation of its website.
- Represented quick service restaurant franchisor in franchisee's Chapter 11 bankruptcy proceedings and in several related adversary proceedings for standards violations.
- Represented cleaning services master franchisee in defense of wrongful termination claim brought by former franchisee and in prosecution of counterclaim for breach of restrictive covenant.
- Represented franchisor of laser hair removal salons in defense of vicarious liability claims brought by third party for personal injury.
- Represented quick service restaurant franchisors in numerous federal actions for trademark infringement and related causes of action arising out of franchise terminations.
- Represented franchisor of computer service related business in state government prosecution for alleged violations of the Virginia Retail Franchising Act.
- Represented cleaning service franchisor in defense of Virginia State Corporation Commission prosecution of alleged violations of Virginia Retail Franchising Act.
- Represented territory operator and franchisor of quick service restaurants in defense of franchisee's action for alleged violations of New Jersey Franchise Practices Act and other violations pertaining to site selection.
- Represented floor coverings franchisor in action against former franchisee for unauthorized transfer and nonpayment of sums owed under franchise agreement.
- Represented winery to establish precedent that purchaser of wine distributor has no standing to sue under alcoholic beverage distribution protection statute.
- Represented various automobile manufacturers and dealers in connection with compliance/noncompliance with North Carolina and Virginia statutes pertaining to dealer terminations, relocations and unfair trade practices.
- Represented national lawn care franchisor in action against former franchisees for breach of non-compete and non-solicitation provisions of franchise agreement and trademark infringement.

## Related News

- Four Year Dogfight over Right to Distribute Dogfish in Six Virginia Jurisdictions Continues
- Significant Amendments to the North Carolina Beer Franchise Law
- Avoiding Contempt: Responding to Non-Party Subpoenas
- Caution: Trustee Communications With Attorneys May Not Be Protected From Disclosure

- Proposed Changes to the North Carolina Beer Franchise Law
- Alert to Brewery
- Settlement with the Virginia State Corporation Commission May be More Expensive Than Franchisors Believe
- Proposed Legislation to Expand Growler Sales in North Carolina
- Growler Sales Now Permitted in North Carolina
- Williams Mullen Receives Top Rankings in U.S. News Best Lawyers "Best Law Firms"
- 100 Williams Mullen Attorneys Named 2015 Best Lawyers in America
- North Carolina ABC Legislative Wrap-Up 2014
- 56 Williams Mullen Attorneys Named 2016 Virginia Super Lawyers; 22 Named 2016 Rising Stars
- Keith Kapp Profiled in Business North Carolina's 2019 Legal Elite Issue

## **Related Events**

## **Related Attorneys**

- M. Keith Kapp – 919.981.4024 – [kkapp@williamsmullen.com](mailto:kkapp@williamsmullen.com)
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