

OUR PRACTICE

Automotive

Baker Donelson's automotive industry team advises clients on a full range of legal and business issues. Our practice centers on two areas: foreign direct investment in the U.S. by suppliers (typically the establishment of a manufacturing plant) and product liability defense litigation.

Clients. Our clients include OEMs as well as first and second tier suppliers, dealers, car and truck rental companies, and transport companies doing business in the United States, Brazil, France, Germany, Italy, Japan, Korea and Switzerland.

Foreign Direct Investment

We advise foreign companies both in the initial phase to establish a U.S. presence as well as operate successfully long term.

Cultural understanding. Lawyers on our team bring deep understanding of the cultural, commercial and legal issues involved in cross-border transactions and business operations. Several are bi-or multilingual, which enables our team to work closely with client personnel and their home-country legal counsel.

Facilities. We advise on site selection, economic development incentives and infrastructure development, construction and operation of advanced manufacturing facilities in the United States. This often includes guidance on public-private partnerships, navigation of intricate tax, real property and utility issues, land use and zoning, construction law and commercial transactions.

Hiring and staffing. We provide counsel regarding labor and employment compliance, labor relations and immigration to facilitate inter-company transfers of executives and technical experts between countries and facilities.

Mergers and acquisitions. Our attorneys advise on acquisitions, mergers, joint ventures and other transactions in the U.S. and abroad.

Regulatory compliance. Members of our team advise automotive clients on a full range of compliance issues, including environmental, tax, worker safety, customs and import-export controls, and other issues.

Government relations. We have worked with manufacturers on regulatory and legislative issues such as seat belt safety, tire safety and hybrid-electric propulsion systems. We also have experience working on a broad scope of industry-related issues with public highway authorities and local government entities.

Product Liability Litigation

We represent major automobile manufacturers in product liability suits covering a wide array of issues and alleged defects, including lack of airbags and restraint systems; brakes; door latches; crashworthiness; post-collision fuel-fed fires and electrical fires; steering mechanisms, handling and stability; metallurgical failures; roof crush; side impact crashes; and seat belt and seat track failures.

Trial ready. We routinely try cases to successful conclusion, and we manage extremely complex cases from beginning to end in a cost-efficient manner.

Engineering knowledge. The experience of our trial lawyers in the disciplines of engineering and injury causation are a great asset both in cross-examining the expert witnesses who testify for plaintiffs in automotive cases, and in securing the top engineering, forensic, medical and economic experts to assist our clients at trial.



Representative Matters

- Successfully defended an automobile manufacturer at trial in a wrongful death product liability case relating to alleged defects in the vehicle's occupant restraint and door latch systems.
- Obtained summary judgment in a product liability case alleging a defective power-train control module, with the decision affirmed on appeal.
- Defended a global automobile and truck manufacturer with respect to a nationwide class action alleging defective brake assemblies on one of the manufacturer's truck lines. After we removed the case to federal court under the Class Action Fairness Act and filed a motion to dismiss under the Tennessee Consumer Protection Act and common law fraud, the plaintiffs filed a notice of voluntary dismissal.
- Lead trial counsel for a national tire and rubber manufacturer, defending asbestos-related premises and product liability cases throughout Louisiana's state and federal courts.
- Obtained summary judgment in favor of an international automaker against a claim for malicious prosecution.
- Defended an international automobile manufacturer in a class action lawsuit alleging violations of the Tennessee Consumer Protection Act and breach of implied warranties under Tennessee law. After filing motions to dismiss and to strike class action allegations on behalf of the automobile manufacturer, the plaintiff filed a notice of voluntary dismissal dismissing his case.
- Successfully defended an automobile manufacturer at trial in a wrongful death product liability case relating to alleged defects in the vehicle's fuel system.
- Successfully defended an automobile manufacturer at trial in a product liability case relating to the alleged failure of the vehicle's electrical system, which resulted in a residential fire.
- Obtained summary judgment for an automobile manufacturer in a product liability case involving high exposure property damage claims after successfully excluding an expert witness who attempted to offer fire cause and origin opinions on the grounds that his opinions were unreliable.
- Obtained a defense verdict after a two-week trial for an automobile manufacturer in a case involving the deaths of minor children.
- Lead trial counsel for major domestic and foreign automobile manufacturers in Tennessee, Maryland, Virginia, North Carolina, Kentucky, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Indiana, Michigan, the District of Columbia and Puerto Rico.
- Successfully defended a major automobile manufacturer in a product liability action involving a quadriplegic plaintiff who sought \$9.5 million in damages. The plaintiffs alleged that a sport utility vehicle was unstable while towing and the seatbelt was defectively designed. After a two-week trial in one of the most plaintiff-friendly venues in the country, the jury found that the vehicle was not defective, and the accident was caused by the driver.
- Won a \$3 million product liability case for one of the largest motor carriers in the U.S. on a directed verdict.
- Defended major automotive manufacturer in a motor vehicle accident case in which the plaintiff's decedent alleged that an employee rear-ended the vehicle, causing injuries, permanent disability and eventual death. Plaintiff filed a motion for sanctions for bad faith negotiations, and manufacturer did not accept the plaintiff's lowest settlement demand of \$4 million. Ultimately, the jury found the death unrelated to the accident and awarded the plaintiff \$218,000 for personal injuries.

- Represented two automotive dealers in a class action case challenging our clients' practice of passing on the business tax to automotive purchasers. The plaintiffs also challenged the constitutionality of the statute and revenue rule allowing this practice. A Tennessee court denied permission to appeal, affirming the previous ruling in our clients' favor.
- Represented a national vehicle converter (the buyer) in connection with the restructuring of various credit facilities and the simultaneous acquisition of its largest competitor.
- Represented truck and trailer parts company in its sale as part of a roll-up transaction, structured as a leveraged recapitalization.
- Prepared technology agreements (computer software, data centers, manufacturing equipment); patent licenses; research agreements; supply agreements and joint development agreements for various clients as outside counsel for well-known manufacturer of automotive interiors.
- Provided environmental counsel for a number of clients in automotive and related industries, including an automobile manufacturer and a number of parts suppliers, in acquisitions and other transactions.
- Participated in negotiations of governmental incentives in several states across the southern U.S. for different foreign vehicle manufacturers.