

2020 MICHIGAN'S GO TO Lawyers BUSINESS LAW

Michigan Lawyers Weekly honors leading lawyers in a particular field of law as nominated by their peers. Michigan's Go To Lawyers identifies and recognizes the top lawyers across the state in a given practice area. In December, 2020, Mr. Mantese was recognized as one of the top, Go-To Business Lawyers in the State of Michigan

Gerard Mantese
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CEO / Trial Attorney
Mantese Honigman, PC, Troy

Education:

JD, summa cum laude, first in class, St. Louis University School of Law
BA, summa cum laude, University of Missouri-St. Louis

Best known for:

Business litigation

Signature case / deal / transaction:

Madugula v Taub, 696 Mich. 685 (2014) – This was the first shareholder oppression case ever taken up by the Michigan Supreme Court. In *Madugula*, the Michigan Supreme Court held that a claim for shareholder oppression is an equitable cause of action. This then activates the trial court's vast equitable jurisdiction to do equity and achieve justice in oppression actions. The Court also held that the breach of a shareholder agreement can be evidence of oppression.

Other important cases / deals / transactions:

Franks v Franks, 330 Mich App 69 (2019) – Here, the Court of Appeals described certain actions which can constitute shareholder oppression under MCL 450.1489; held that intent to oppress must be shown; clarified the relationship between oppression claims and the business judgment rule; and held that trial courts have discretion to consider or reject discounts when ordering redemption or forced purchase of shares.

Frank v Linkner, 500 Mich. 133 (2017) – Holding that MCL 450.4515 is a statute of limitations, not of repose, thus allowing for tolling for fraudulent concealment.

Outlook for 2021:

We will see the further growth of certain practice areas, including those centered around artificial intelligence, rights to privacy and trade secret litigation. Invasions of our privacy by products that engage in data mining, tracking, and actual surveillance,



will lead to new protections for privacy and the growth of litigation in this area. With employees being more mobile and with vast amounts of data more easily subject to misappropriation, trade secret litigation will expand.

I also expect the jurisprudence of the 50 states to borrow more from each other. The differences in the 50 states' statutory and common law will narrow. Our citizens are more mobile than ever before and we are inevitably influencing each other across state lines and this will translate into our jurisprudence. Virtual court appearances, mediations, and meetings are here to stay and will continue.

Working with clients:

My firm utilizes a collaborative approach. We integrate our clients into our team, so that they have direct and continuous input into the decisions that must be made and into our work product, including correspondence, briefs, and other filings. Clients have an abundance of factual knowledge and, further, it is their case, so they must be encouraged to be involved. To exclude the client from your legal team will inevitably lead to an inferior result and a dissatisfied client.

Best career advice received:

These are some of the teachings I embrace. Hard work, passion and integrity must be your guiding lights. Brilliance comes if you work hard and persist. Write your goals down and make them big. Keep creating. Never be stagnant and never be complacent with where you are in life. Keep striving; keep learning; keep giving of yourself. Take the time to help the disadvantaged. Give to others who cannot pay you back. Focus on the important issues of the law and of life. Don't let personal vendetta, jealousies and paybacks rule your life. Make your world so large that no one can upset or bother you.

At the end of the day, it is not money or status that matters; it is your principles. Did I fight for what I believe in? We can never be too tired or afraid to fight for justice for our clients and for the truth. We may be screamed at and scorned, threatened and cursed at — all of these things have happened to me — and I count them as a sign that I am making a difference. Never give up in the never-ending pursuit of justice. That's how I promised myself I would live my life as a lawyer.