MICHIGAN Lawyers Weekly

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MICHIGAN'S TOP CASES

Fourth Largest Settlement in 2023

$9.5 MILLION

Gerard V. Mantese and Brian P. Markham of Mantese Honigman in Troy secured a $9.5 million settlement for their clients in a member oppression and breach of contract matter.

In this family business dispute, Mantese said there was a balance of protecting and vindicating the clients' rights, while also respecting the sensitivity of the relationships involved.

The parties had contractual relationships, where the defendants agreed to pay rent on different parcels of property as well as for the use of certain equipment and personal property.

Due to a breach of contract, the plaintiffs filed suit; Mantese and Markham then used extensive discovery to secure the settlement.

"In these cases, we faced defendants - including the business controlling most of the relevant records - which claimed not to have many of the most relevant documents," Mantese explained. "So, we obtained the relevant information on the purchase, condition and value of the assets in various ways, including by witness interviews, subpoenas, and freedom of information act requests to governmental agencies that had relevant information."

Gerard V. Mantese

Brian P. Markham

The duo also used experts to determine the amount of damages suffered as the result of the breach of contract. Mantese said these experts were imperative in getting their clients a proper settlement number.

The defendants had taken the position that the assets under dispute were worth significantly less than their actual value, both in terms of their income-generating potential and their liquidation value," he said. "Though our clients had significant experience and knowledge about the assets at issue and knew the defendants' claims were baseless, we knew it was crucial to have experts look at the data and verify our clients' claims. To that end, our experts prepared reports that indisputably refuted the defendants' claims, which gave us good leverage at mediation."

Mantese shared the method his team used to secure the settlement.

"We always approach shareholder and member disputes with an eye toward a speedy and effective resolution without any wasted motion or detours," he noted. "We are not afraid to try cases and push for the earliest trial date as early trial dates translate into early resolutions. We drive forward as if our own business were at stake.

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