

**COMMERCIAL LITIGATION COMMITTEE
REPORT PREPARED FOR THE MARCH 5, 2026 COUNCIL MEETING**

1. Next Scheduled Meeting of the Committee/Directorship.

See no. 5 below.

2. Council Approval.

No matters require Council approval.

3. Membership.

The Committee comprises approximately 100 commercial litigators.

4. Accomplishments Toward Committee/Directorship Objectives.

See no. 5 below.

5. Meetings and Programs.

The In-House Counsel Committee, the LLC and Partnerships Committee, and the Commercial Litigation Committee will co-sponsor a program on May 7, 2026 from 3:30 – 7:45 PM program at the Troy Marriott.

Below is the tentative schedule.

Registration and Networking

3:30-3:55 PM

Employment Law Update. This will include the most recent case law on the at-will doctrine and employment discrimination, drafting strategies, internal and people management, and possibly I-9 audits. Aaron Burrell, of Dickinson Wright, will present.

4:00 - 4:35 PM

Drafting Corporate Governance and Succession Planning Documents. This will include supply agreements, operating agreements, shareholder agreements, and buy-sell agreements. Gerard Mantese, of Mantese Honigman, PC, will present.

4:35 - 5:10 PM

Artificial Intelligence, Data Security, and Recent AI Case Law. Issues regarding A.I. seem to change on almost a daily basis. One key issue is discoverability of A.I. James Sherer, of Baker Hostetler, will present.

5:10 - 5:45 PM

Litigating in Michigan Business Courts. A rare opportunity for direct dialogue among in-house counsel and Business Court Judges, including Judges David Allen, Judge Matthew Antkoviak, Judge Curt Benson, Judge Annette Berry, Judge Chris Christenson,

Judge Muriel Hughes, Judge Victoria Valentine, Judge Jon Van Allsburg, Judge Kathryn Viviano, and, likely, Judge Michael Warren. Doug Toering will moderate.
5:45 - 6:25 PM

In-House Counsel Panel Discussion. Topics will cover regulatory compliance, risk management, intellectual property, the Great Retirement, tariffs, retaining outside counsel, and health and wellness. Names of presenters will be decided soon.
6:25 - 7:05 PM

Internal Investigations. Former Assistant US Attorneys Tom Cranmer, of Miller Canfield, and Ken Chadwell, of Plunkett Cooney, will cover this topic.
7:05 - 7:45 PM

There is no charge for judges and in-house counsel. All Circuit Court Judges are invited.

6. Publications.

The Committee has published no articles.

7. Methods of Monitoring Legislative/Judicial/Administrative Developments and Recommended Action.

The Commercial Litigation Committee typically receives notices of proposed legislation or changes to the Michigan Court Rules. When the Committee is informed of potential changes to the Michigan Court Rules or proposed legislation that may impact the practice of Committee members, the Committee engages in an e-mail (or occasionally in-person) discussion of such proposed changes or legislation.

See report of the Business Courts Committee regarding SB 4840 to clarify the jurisdiction of the business courts.

8. Miscellaneous.

On October 29, 2025, the Michigan Supreme Court granted leave to appeal in *FCA US, LLC v Kamax Mexico et al* (SC no. 168680). The Court ordered the parties to brief the following: (1) whether *Cadillac Rubber & Plastics, Inc v Tubular Metal Sys, LLC*, 331 Mich App 416 (2020), remains good law after this Court's decision in *MSSC, Inc v Airboss Flexible Prods Co*, 511 Mich 176 (2023); and (2) whether a written contract for approximately 65-100% of a buyer's requirements satisfies the requirements of the Uniform Commercial Code's statute of frauds, MCL 440.2201(1).

The Court invited the Michigan Manufacturers Association and the BLS to file amicus curiae briefs. Michael Molitor will explain more in his Chairperson's report.

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