

COMMERCIAL LITIGATION COMMITTEE
REPORT PREPARED FOR THE DECEMBER 4, 2025 COUNCIL MEETING

1. Next Scheduled Meeting of the Committee/Directorship.

No meeting is currently scheduled.

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 LLC & Partnerships Committee, the Corporate Laws Committee, and the Commercial Litigation Committee sponsored a program on succession planning, shareholder/LLC member litigation, estate planning, drafting, valuation, and tax on Thursday, April 10, from 4:00 – 7:45 PM at the San Marino Club in Troy. A total of 167 people registered, and we received many positive comments. The Committee is considering sponsoring a similar program in Grand Rapids in 2026.

6. Publications.

The Committee has published no articles.

The Commercial Litigation Committee was responsible for providing articles for the 2025 Spring issue of the Michigan Business Law Journal.

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 reports 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.

Douglas L. Toering, Committee Chair
Mantese Honigman, PC
1361 E. Big Beaver
Troy, MI 48083
(248) 457-9200
dtoering@manteselaw.com

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