

**COMMERCIAL LITIGATION COMMITTEE
REPORT FOR THE BUSINESS LAW SECTION COUNCIL MEETING**

1. Next Scheduled Meeting of the Committee

Next scheduled meeting of the Committee: April 2 at 5:30, Butzel Long,
41000 Woodward Ave., Bloomfield Hills

2. Council Approval

None.

3. Membership

Doug Toering, who will cover the March 19 meeting
Jay VandeWyngearde, Vice Chair
Diane Akers, Founder and Chair Emeritus
Alan Taylor
David Frank
Eric Buikema
Kevin Fanning
Rick Paige
Ashish Joshi
Thomas Yaczik
Joe Ahern

4. Accomplishments Toward Committee Objectives

See below.

5. Meetings and Programs

Our current ideas for our next program, probably to be scheduled for late
spring or early fall, are:

- a) small business divorces, including shareholder disputes of closely held businesses, misappropriation and the shape of what an agreement should look like to allow one shareholder to exit the business;
- b) litigation growth areas and what areas are hot, which ones are not;
- c) receiverships: when are they appropriate and when are they not?
- d) post-judgment remedies, self-help execution, all those types of things in a commercial context;
- e) white collar criminal practice or internal investigations; and
- f) automotive supply chain disputes.

These ideas were based on what is hot in our individual practice areas. At the end of the meeting, I believe we came to a consensus that we were going to try to do a smorgasbord of three or four of those topics, perhaps in 40-45 minute segments, which would make up a two-to-three hour program. We were going to shoot for a location somewhere in Novi or Plymouth or on the west side of Detroit metro area, and a date sometime in late spring or early fall. We need someone on the committee to step up as program chair and try to line up speakers and get the program running, and further definition will be the topic of our April 2 meeting.

6. Publications

We continue to interface with the Business Law Journal and the Michigan Bar Journal on topics for articles relating to commercial litigation. David Frank of the Committee is the point person on this effort.

7. Legislative/Judicial/Administrative Developments

The hottest topics in commercial litigation right now are those relating to the economy: foreclosures, receiverships, and distressed automotive suppliers. We are seeing the Michigan Court of Appeals deciding a high number of cases, mostly unpublished, pertaining to priority of secured interests in the wake of bankruptcy, receivership, or simple closure without formal wind-down.

8. Miscellaneous

None.