

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

1. Next Scheduled Meeting of the Committee

Next scheduled meeting of the Committee: June 2, 2009, 5:00 p.m.
Brooks Wilkins Sharkey & Turco, PLLC
401 S. Old Woodward, Suite 460
Birmingham, MI 48009
Call-in info: 800-430-0714, code 9711800

2. Council Approval

None.

3. Membership

Rick Paige, who will cover the May 7 meeting
Doug Toering
Jay VandeWyngearde, Vice Chair
Diane Akers, Founder and Chair Emeritus
Alan Taylor
David Franks
Eric Buikema
Kevin Fanning
Rick Paige
Ashish Joshi
Thomas Yaczik
Joe Ahern

4. Accomplishments Toward Committee Objectives

See below.

5. Meetings and Programs

Our ideas for our next program, to be scheduled for 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.

At our April 2 meeting, we further defined the topics, and agreed to hold it in early fall, rather than late spring. Bereft of a volunteer to be program chair and to line up speakers, the Chair volunteered.

6. Publications

David Frank of the Committee was our point person, and has accomplished his goal as coordinating the issue of the Business Law Journal to which we were assigned. The Chair also recently coordinated with the Michigan Bar Journal on topics for articles relating to commercial litigation.

7. Legislative/Judicial/Administrative Developments

The Chrysler bankruptcy and associated litigation is the hottest topic in our area right now. We expect a raft of follow-on filings by already distressed automotive suppliers. The other hot topics are those relating to the economy: foreclosures, receiverships, etc. The Michigan Court of Appeals is 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.