



## Craig P. Miller

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### MINNEAPOLIS

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### Assistant

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### PRACTICE AREAS

Franchise & Distribution

Franchise Litigation & Dispute  
Resolution

Franchise & Dealership  
Terminations

Enforcing System Standards

Underreporting & Franchise  
Audits

Vicarious Liability/Risk  
Management

Litigation

General Business & Complex  
Commercial Litigation

Non-Compete, Non-Solicit,  
Trade Secrets & Other  
Restrictive Covenants

Trust & Estate Litigation

Shareholder Disputes

Closely Held & Family Business

Craig Miller practices primarily in the areas of franchise and distribution litigation and commercial litigation. As a litigator, Craig represents companies and individuals in trial, arbitration, and other civil proceedings throughout the United States. He has represented clients in a wide variety of matters, including franchise disputes, complex business fraud actions, securities fraud claims, trademark and trade dress infringement, noncompete enforcement, shareholder disputes, contract disputes, creditors' remedies, and unfair trade practices claims. Craig is experienced in guiding clients through the dispute resolution process, whether through litigation, arbitration, mediation, or negotiation.

Craig also practices extensively in probate court, helping to resolve disputes over the administration of trusts or estates, will contests, and matters of guardianship and conservatorship. Craig's familiarity with probate procedure ensures that his clients' interests are protected.

Craig channels his natural-born competitive nature, along with his persuasive skills and writing experience, to benefit his clients. Before entering law school, he worked as a volunteer recruiter and technical writer while continuing to train competitively as a long-distance runner. His love for all-things-competitive continues through playing golf, watching sports of all kinds, and keeping up with his energetic preschooler.

### Representative Experience

*Most recent experience includes:*

## COURT MEMBERSHIPS

- Minnesota
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Wisconsin
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit

## EDUCATION

University of Wisconsin Law School, J.D., 1996

Gustavus Adolphus College, B.A., 1991

- Enforced post-termination noncompete and non-solicitation agreement, attorneys' fees provision, and personal guaranty against client's former franchisee.
- Obtained order for preliminary injunction in favor of client preventing defendants from infringing upon client's trademarks, violating noncompete provisions in franchise agreements, and violating post-termination obligations in franchise agreements
- Obtained dismissal of arbitration action commenced by 13 of the client's franchisees (including a Trust created by franchisees for litigation purposes) seeking, in part, a declaratory judgment that the noncompete provisions in their franchise agreements are unenforceable; dismissal of action was granted, in part, on the ground that the claims were improperly joined and that certain franchisees lacked standing to assert claims.
- Represented client in preliminary injunction action in federal court seeking to enforce terminated franchisee's post-termination obligations and noncompete agreement, and seeking to prevent franchisee from infringing upon client's trademarks.
- Successfully represented client in defense of action commenced by franchisee for encroachment, alleged violations of the Washington Franchise Investment Protection Act, the Washington Consumer Protection Act, breach of contract and the implied covenant of good faith and fair dealing, and tortious interference with business expectancy.
- Obtained preliminary injunction order prohibiting terminated franchisee from infringing upon franchisor's trademarks and from violating post-termination obligations in franchise agreement; also obtained order holding defendants in contempt for violating court's preliminary injunction order.
- Obtained summary judgment on client's claim for past due fees and liquidated damages in the total amount of \$189,789.93; obtained summary judgment on defendant's counterclaims seeking damages for client's alleged breaches of franchise agreement; obtained award of attorneys' fees and costs in favor of client.

### Additional experience:

- *Bonus of Am., Inc. v. Angel Falls Servs., L.L.C.*, U.S. Dist. LEXIS 67079 (D. Minn. 2010) (granting preliminary injunction and enforcing in-term noncompete agreement against franchisee and those who acted in concert with the franchisee to evade the noncompete agreement)

- *Bonus of Am., Inc. v. Angel Falls Servs., L.L.C.*, 2010 U.S. Dist. LEXIS 53598 (D. Minn. 2010) (granting TRO and enforcing in-term noncompete agreement against franchisee)
- *Pirtek USA, LLC v. Bobby Moore, et al.*
- *Pirtek USA, LLC v. Wilcox*, Bus. Franchise Guide (CCH) 13,511 (AAA 2006) (enforcement of franchisor's noncompete agreement and award of lost profits against former franchisee)
- *Wilcox et al. v. Pirtek USA, LLC*
- *Pirtek USA, LLC v. Zaetz*, 408 F. Supp. 2d 81 (D. Conn. 2005)
- *Pirtek USA, LLC v. Layer*, Bus. Franchise Guide (CCH) 13,357 (D. Fla. 2005) (enforcement of franchisor's noncompete agreement and other post-termination obligations against former franchisee)
- *Auto-Chlor System of Minnesota, Inc. v. JohnsonDiversey*, 328 F. Supp. 2d 980 (D. Minn. 2004)
- *Tatan Management v. Jacfran Corp.*, 270 F. Supp. 2d 197 (D.P.R. 2003) (order holding that franchisor was justified in terminating franchisee's franchise rights)
- *RE/MAX North Central, Inc. v. Cook*, 64 Fed.Appx. 562 (7th Cir. 2003) (affirming franchisor's award of damages and attorneys' fees on trademark infringement claim)
- *RE/MAX North Central, Inc. v. Cook*, 272 F.3d 424 (7th Cir. 2003) (affirming courts order granting of preliminary injunction on franchisor's trademark infringement claim)

## Events

- PFAS & Food Packaging – What Franchisors and Restaurant Chains Need to Know  
August 10, 2022
- Insurance Recovery 101 for Franchisors: Maximizing Your Coverage (Including COVID-19 Related Losses)  
April 9, 2020

## Presentations

- "Franchising - Litigating the Definitional Elements," 41st Annual ABA Forum on Franchising, Nashville, Tennessee, October 2018
- "Money Doesn't Grow On Trees: Effective Strategies for Collecting Amounts Due - Domestically and Internationally," 44th Annual IFA Legal Symposium, Washington, DC, May 1, 2011

## Publications

- "Federal Court Finds Sufficient Evidence of Joint-Employer Relationship to Survive Motion to Dismiss," Lexology, September 25, 2017
- "The Enforceability And Applicability Of A Statute Of Limitations In Arbitration," Franchise Law Journal, August 14, 2012
- "Franchise Desk Book," American Bar Association Forum on Franchising, W. Michael Garner ed, 2nd ed 2008, January 2008
- "Domestic Franchise Agreements: Regulatory Compliance, Drafting Considerations And Dispute Resolution," Business Law Institute, May 2007

## Client Alerts And Blog Posts

- Georgia Federal Court Dismisses Human Trafficking Claims Against Franchisor  
January 18, 2024
- Arizona Federal Court Declines to Enforce Noncompete Provisions Against Nonsignatories  
March 9, 2023
- Florida Federal Court Grants Preliminary Injunction Enforcing Covenant Not to Compete  
September 8, 2022
- Eleventh Circuit Affirms Award of Attorneys' Fees Following Arbitration  
August 11, 2022
- Connecticut State Court Dismisses Claims Against Hotel Franchisor for Personal Injury at Franchisee's Hotel  
May 5, 2022

## In The News

- Franchise Times Quotes Ally Cunningham, Craig Miller and Matthew Walker on PFAS and the Restaurant Industry Following Webinar  
September 2, 2022
- Food on Demand Quotes Ally Cunningham, Craig Miller and Matthew Walker On Best Practices Regarding PFAS Regulations In The Restaurant Industry  
September 1, 2022
- Waste Dive Quotes Ally Cunningham and Craig Miller in PFAS and Food Packaging Webinar Debrief

August 23, 2022

- GPM Clients Gain Asylum After 5-year Fight  
December 14, 2015

## News Releases

- 11 Lathrop GPM Attorneys Recognized in the International Who's Who Legal Franchise 2023 List  
November 27, 2023
- 23 Lathrop GPM Attorneys in Minneapolis Recognized for 2022 Pro Bono Service  
June 5, 2023
- Lathrop GPM Attorneys Recognized in Who's Who Legal Franchise 2020 List  
September 30, 2020
- Gray Plant Mooty Attorneys Recognized in the International Who's Who Legal: Franchise for 2019  
December 10, 2019
- Gray Plant Mooty Attorneys Named 2019 Minnesota Super Lawyers and Rising Stars  
July 5, 2019
- Attorneys Recognized for Pro Bono Service  
June 14, 2019
- 15 Gray Plant Mooty Attorneys Recognized in the International Who's Who Legal: Franchise for 2018  
October 29, 2018
- Attorneys Recognized for Pro Bono Service  
July 16, 2018
- Gray Plant Mooty Attorneys Named 2018 Minnesota Super Lawyers and Rising Stars  
July 5, 2018
- 17 Gray Plant Mooty Attorneys Recognized in the International Who's Who Legal: Franchise for 2017  
October 2, 2017
- 43 Gray Plant Mooty Lawyers Named 2017 Minnesota Super Lawyers and Rising Stars  
July 5, 2017
- 47 Gray Plant Mooty Attorneys Recognized as 2016 North Star Lawyers  
May 18, 2017

- 40 Gray Plant Mooty Lawyers Named 2016 Minnesota Super Lawyers and Rising Stars  
July 5, 2016
- 34 Gray Plant Mooty Attorneys Recognized as North Star Lawyers  
May 5, 2016
- 38 Gray Plant Mooty Lawyers Named 2015 Minnesota Super Lawyers and Rising Stars  
July 09, 2015
- 40 Gray Plant Mooty Lawyers Named 2014 Minnesota "Super Lawyers" and "Rising Stars"  
July 7, 2014

### Professional Affiliations

- International Franchise Association
- Federal Bar Association
- American Bar Association, Forum Committee on Franchising
- Minnesota State Bar Association
- Hennepin County Bar Association, Diversity Committee

### Community Involvement

- Children's Council at Children's Minnesota, 2016-2020

### Honors

- Minnesota State Bar Association, "North Star Lawyers," 2012, 2015-2018, 2023
- *The International Who's Who of Franchise Lawyers*, 2017-2020, 2023
- *Thomson Reuters*, "Minnesota Super Lawyer," 2014-2019
- *Minnesota Law & Politics*, "Rising Star," 2002, 2005-2006