



Michael L. Sturm

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PRACTICE AREAS

Antitrust & Trade Regulation

Franchise & Dealership
Terminations

Franchise & Distribution
Noncompete Agreements

Franchise & Distribution

Franchise Litigation & Dispute
Resolution

Litigation

INDUSTRIES

Restaurant, Food & Beverage

COURT MEMBERSHIPS

- District of Columbia
- Virginia
- U.S. District Court for the District
of Columbia
- U.S. District Court for the Eastern
District of Virginia

Michael has nearly three decades of experience litigating on behalf of franchisors in federal and state courts across the country and in arbitration proceedings. His experience includes virtually every type of substantive claim that arises in the course of the franchise relationship, including alleged violations of statutory disclosure and relationship obligations, claims of physical and internet encroachment of exclusive territories, claims of fraud and nondisclosure, claims with respect to supplier payments, alleged violations of antitrust laws, contractual disputes, and claims under the implied covenant of good faith and fair dealing. Michael also has extensive experience with the jurisdictional and procedural issues that arise frequently in franchise litigation, including litigation with franchisee associations and multi-party litigation.

In addition to his work on behalf of franchisors, Michael has broad experience in complex, high-stakes commercial litigation matters. Among other matters, he has represented a satellite radio provider and terrestrial broadcasters in expert-driven rate setting proceedings. Michael has represented both relators and defendants in federal False Claims Act litigation. He has also served as lead counsel in cases involving intellectual property rights, including enforcement of patents, trademarks, and copyrights. With his background in antitrust, Michael also regularly represents trade associations whose members include major consumer products manufacturers.

Michael spoke at the IFA Legal Symposium, and previously has spoken at the annual ABA Forum on Franchising, and other industry events. He has covered topics ranging from the fundamentals of franchise litigation

- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Federal Circuit

EDUCATION

Harvard Law School, J.D., *cum laude*

The College of William & Mary, B.A.

- Phi Beta Kappa

to specialized topics such as the application and scope of rules limiting the admissibility of settlement discussions and agreements in subsequent litigation. This work has appeared in the Franchise Law Journal, Perspective in Antitrust and other publications.

Representative Experience

- Won motion to dismiss in putative antitrust class action based on anti-poaching provision in franchise agreement
- Won summary judgment for major franchisor in case alleging fraud and antitrust violations
- Defeated temporary restraining order/preliminary injunction sought by franchisees to enjoin application of supplier restrictions in franchise agreements
- Successfully briefed and argued appeals in federal circuit courts
- Obtained numerous preliminary injunctions against post-termination use of franchisors' trademarks and systems
- Tried an employment case to a defense jury verdict on behalf of a small, family-owned franchisor
- Obtained complete exclusion of the defendants' expert witnesses in retail lease dispute
- Successfully applied abstention doctrines to obtain dismissal of duplicative franchisee-initiated litigation in federal court

Events

- State of Litigation Virtual Event Series
Session 1 - Thursday, July 16; Session 2 - Thursday, July 23;
Session 3 - Thursday, July 30

Presentations

- Co-presenter, "W-8: Because I Said So: Experiential-Based Expert Opinions in Franchise Cases," 45th Annual ABA Forum on Franchising, November 4, 2022
- Co-presenter, "Ethics of Joint Representation of the Franchisor, Franchisee, and Their Officers, Employees or Affiliates," International Franchise Association's Legal Symposium, May 17, 2022

Publications

- District of Columbia Chapter Author, "Covenants Against Competition in Franchise Agreements," American Bar Association forum on Franchising (4th ed. 2022)
- Author, "Ethics of Joint Representation of the Franchisor, Franchisee, and Their Officers, Employees or Affiliates," International Franchise Association's Legal Symposium, May 17, 2022
- Author, "{Best of ABA} Franchise Anti-Poaching Provisions: What Have We Learned?" *GPSOLO Magazine*, Vol. 39, No. 4, July/August 2022
- Author "Franchise Anti-Poaching Provisions: After Four Years, What Have We Learned?" *Franchise Lawyer*, Winter 2022
- Author, "10 suggestions for franchise systems on how they can respond to the coronavirus crisis," *Global Franchise*, March 16, 2020
- Author, "The State of Washington's Attempt to Ban Franchise Anti-Poaching Provisions Nationwide Violates Constitutional Limitations on State Power to Regulate National Commerce," *Franchise Law Journal*, Fall 2019

Client Alerts And Blog Posts

- Kentucky Federal Court Questions Proposed \$5 Million Settlement in Anti-poaching Class Action
October 5, 2023
- Fifth Circuit Affirms Dismissal and Summary Judgment on Distributor's Claims for Fraud and Breach of Contract Against Manufacturer
August 10, 2023
- Maryland Federal Court Denies Motion to Dismiss for *Forum Non Conveniens* but Grant's Franchisee's Motion to Dismiss for Personal Jurisdiction
March 9, 2023
- Nevada Federal Court Transfers Venue to Illinois Notwithstanding Forum-Selection Clause
February 9, 2023
- Eleventh Circuit Reverses Burger King Anti-Poaching Decision, Holding that a Franchisor and its Franchisees Are Separate Entities Capable of Conspiring
September 8, 2022

- NASAA Group Proposes to Ban Most Acknowledgments and Compliance Questionnaires Used by Franchisors. — Lathrop GPM Vigorously Objects
January 19, 2022

In The News

- Lathrop GPM Partner Michael Sturm Quoted on Franchise Regulation Change: No 'Existential Threat'
March 27, 2024
- Global Franchise Features Article by Michael Sturm on 10 Suggestions for Franchise Systems to Respond to Coronavirus
March 16, 2020
- IFA Features Article by Michael Sturm on Franchise System Responses to Coronavirus
March 16, 2020

News Releases

- Ten Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
April 1, 2024
- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
August 17, 2023
- Franchise Group at Lathrop GPM LLP Submits Comments to FTC on Proposed Noncompete Rule
April 21, 2023
- Nine Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
April 3, 2023
- Eight Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
April 1, 2022
- 8 Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
April 1, 2021
- 16 Lathrop GPM Attorneys Recognized as Franchise “Legal Eagles”
April 1, 2020
- Lathrop GPM Develops COVID-19 Client Response Team
March 18, 2020
- Lathrop GPM Promotes Seven Attorneys to Partnership
January 2, 2020

- Gray Plant Mooty Hires New Franchise Litigation Attorney
April 12, 2018

Professional Affiliations

- 2022 International Franchise Association (IFA) Legal Symposium Task Force
- American Bar Association - Forum on Franchising, Publications Committee; Section of Litigation, Section of Administrative Law and Regulatory Practice, and Section of Intellectual Property Law

Honors

- Selected among *The Best Lawyers in America*®, 2024
- *Franchise Times*, "Legal Eagle," 2020-2024