



AUTOMOTIVE FRANCHISE

Burke, Warren, MacKay & Serritella is home to a practice dedicated to serving owners of new vehicle franchises. The practice is anchored by partners William Kelly, Ira Levin, and Jay Statland, each with decades of successful representation of dealers and dealer groups locally and nationwide. The practice addresses all aspects of the automotive business including:

- Purchase and sale of dealership assets, including buy-sell agreements, management agreements, consulting agreements, rights of first refusal, and site control agreements
- Formation and financial and tax structuring of dealership operating entities, real estate entities, and offshore entities
- Purchase, sale, and development of dealership land and facilities, including environmental analysis and assisting with manufacturers' facility programs and requirements
- Stock purchase agreements and transfers and sale of partial interests
- Franchise litigation, including protests with the Illinois Motor Vehicle Review Board and other state boards involving termination, relocations, add points, allocation disputes, and warranty reimbursement and audits
- Employment matters, including compliance with federal and state laws, termination, discrimination, and harassment claims
- Consumer litigation, including class action defense
- Union disputes, negotiating collective bargaining agreements and counseling regarding pension liabilities
- Compliance with state and federal regulatory matters
- Trust and estate matters, including implementation of successor dealers and guidance with manufacturers' requirements

The Automotive Franchise Practice group has experience working with large dealer groups as well as individuals new to the business.

PROFESSIONALS

Bradley M. Ader

Ira M. Levin

Elizabeth M. Pall

David M. Schoenherr

Jay L. Statland

Eric P. VanderPloeg

Douglas E. Wambach



Our national presence is exemplified by our work with General Motors and Chrysler dealership franchisees following the collective termination of more than 3,000 franchises as part of their 2009 bankruptcies. Burke Warren was one of the top three firms nationally selected to fight for reinstatement by dealers.

We have also been selected by trade associations to write amicus briefs in important manufacturer/dealer cases and to assist in drafting amendments to the Illinois Motor Vehicle Franchise Act. Burke Warren regularly appears before the Illinois Motor Vehicle Review Board, where it has litigated numerous cases, including a successful result over General Motors that reached the Illinois Supreme Court confirming the constitutionality of the Illinois Motor Vehicle Franchise Act.

Burke Warren has maintained a lasting presence in the automotive franchise industry and is committed to assisting and counseling dealers to achieve favorable outcomes in a changing and growing industry. Through expert legal guidance and representation, we assist automotive dealerships to ensure necessary compliance with state and federal government regulations and to meet industry standards.

Experience

- Represents automobile dealers in connection with obtaining sales tax reimbursement agreements with local municipalities
- Represented a multinational tier 1 automotive technology company in connection with some of the first development and joint venture agreements for “connected cars.”
- *Nissan N. Am., Inc. v. Motor Vehicle Review Bd.*, 2014 IL App (1st) 123795, ¶ 9 (affirming Illinois Motor Vehicle Review Board decision against vehicle manufacturer following protest by dealers over abusive warranty practices)
- Dismissal of fraud and breach of contract claims in excess of \$1,000,000 against car dealer
- *General Motors Corporation, et al. v. The State of Illinois Motor Vehicle Review Board, et al.*, 221 Ill.2d 1, 862 N.E.2d 209, 308 Ill.Dec.611 (2007), Case Nos. 101585 and 101601, Supreme Court of Illinois
- *Nissan North America v. The Motor Vehicle Review Board, et al.*, 7 N.E.3d 25 (Ill. App. 1 Dist. 2014), Case No. 1-12-3795, Appellate Court of Illinois, First District
- *Nissan North America, Inc. v. Jim M’Lady Oldsmobile, Inc.*, 486 F.3d 989 (7th Cir. 2007)
- *Nissan North America, Inc. v. Jim M’Lady Oldsmobile, Inc.*, 307 F.3d 601 (7th Cir. 2002)
- *George Keporos v. Loquercio Automotive South, Inc. d/b/a Honda City*, 2014 IL App (1st) 151074-U, Case No. 1-15-1074, Appellate Court of Illinois, First District
- Represented car dealership in trade secrets violation case against former employees for accessing proprietary database after leaving employment.
- Represented motor vehicle dealer in sale of \$8 million property located in Oak Lawn, Illinois



Insights

NEWS

Burke Warren a Proud Sponsor of Chicago Volunteer Legal Service VINO + Gogh 2023 Event
News, [June 27, 2023](#)

Burke Warren a Proud Supporter of The American Red Cross of Greater Chicago 2023 Heroes Breakfast
News, [April 27, 2023](#)

Burke Warren Proud to Participate in the Chicago Bar Foundation's 2023 Investing in Justice Campaign
News, [April 20, 2023](#)

Burke Warren a Proud Sponsor of the Chicago Hope Academy 2023 Story of Hope Luncheon
News, [April 11, 2023](#)

Burke Warren a Proud Member Firm of the Chicago Lawyers' Committee for Civil Rights
News, [April 4, 2023](#)

Burke Warren a Proud Supporter of the GI Research Foundation 2023 Annual Ball
News, [February 20, 2023](#)

Burke Warren a Proud Sponsor of 2023 Better Business Bureau of Chicago Annual Dinner Meeting
News, [February 8, 2023](#)

Burke Warren a Proud Sponsor of One Tail at a Time 2023 Houndstooth Ball
News, [February 7, 2023](#)

Burke Warren a Proud Sponsor of Boys & Girls Clubs of Chicago 2023 Youth of the Year Competition & Dinner
News, [January 20, 2023](#)

Burke Warren Partner John Stephens Named Advisory Board Member of AbstoneLalley, Inc.
News, [January 16, 2023](#)

Burke Warren a Proud Supporter of Direct Effect Charities 2022 "Letters to Santa" Program
News, [December 15, 2022](#)

Burke Warren Elects Joshua Cauhorn as Director
News, [December 12, 2022](#)

Burke Warren Elects Jessica Cox as Shareholder
News, [December 12, 2022](#)

Burke Warren Elects Stephen Schuster as Shareholder
News, [December 12, 2022](#)

Season's Greetings and Best Wishes for a Happy New Year From Burke Warren!
News, [December 6, 2022](#)



Christine Eduardo and Mathew Musipa, Participants in Burke Warren's Fall 2022 3L Minority Internship Program, Accept Offers to Join the Firm
News, [December 5, 2022](#)

Burke Warren a Proud Sponsor of Catholic Charities of the Archdiocese of Chicago 2022 Spirit of Saint Nicholas Ball
News, [December 2, 2022](#)

Burke Warren a Proud Sponsor of Chicago Children's Museum 2022 Gala
News, [September 27, 2022](#)

Burke Warren a Proud Sponsor of After School Matters
News, [September 15, 2022](#)

Burke Warren 2022 3L Minority Internship Program Participant Mathew Musipa Quoted in U of I Blog Article Entitled, "Immigration Law Clinic students win two asylum cases"
News, [September 15, 2022](#)

Burke Warren Selects Christine Eduardo and Mathew Musipa to Participate in the Burke Warren 2022 3L Minority Internship Program
News, [August 29, 2022](#)

Burke Warren a Proud Sponsor of Chicago Volunteer Legal Services Vino + Van Gogh 2022 Event
News, [August 24, 2022](#)

Burke Warren a Proud Sponsor of 2022 @gives back Golf Classic
News, [August 19, 2022](#)

Burke Warren a Proud Sponsor of 17th Annual Savills Landlord Challenge Charity Golf Event
News, [August 5, 2022](#)

Burke Warren Launch of New Firm Website Coincides with Firm's 30th Anniversary Milestone
News, [July 28, 2022](#)

Burke Warren Partner John Stephens Quoted in Crain's Chicago Article Entitled, "For Black lawyers, roadblocks to partnership persist"
News, [June 10, 2022](#)

Burke Warren a Proud Supporter of the American Red Cross of Greater Chicago 2022 Heroes Breakfast
News, [May 4, 2022](#)

Burke Warren Cited In Chicago Tribune Article Regarding a Pro Bono Case Recently Undertaken by the Firm
News, [May 3, 2022](#)

Burke Warren Serves as Pro Bono Counsel in Federal Lawsuit Charging Advocate Health and Hospitals Corporation with Racial Discrimination
News, [April 21, 2022](#)



Burke Warren Welcomes Peter Ivancsits as Its Chief Financial Officer
News, [April 18, 2022](#)

Burke Warren Proud to Participate in the Chicago Bar Foundation's 2022 Investing in Justice Campaign
News, [April 6, 2022](#)

Burke Warren a Proud Member Firm of the Chicago Lawyers' Committee for Civil Rights
News, [February 21, 2022](#)

Burke Warren a Proud Sponsor of Mercy Home for Boys & Girls of Chicago's 2022 Have Mercy! Gala
News, [February 9, 2022](#)

Burke Warren a Proud Sponsor of 2022 Entrepreneur and Family Business Council Gala
News, [January 25, 2022](#)

Burke Warren Named to Vault's 2022 20 Best Midsize Law Firms to Work For in Chicago
News, [December 2, 2021](#)

Adrian Atwater and Jolisa Warmack, Participants in Burke Warren's Inaugural 3L Minority Internship Program, Accept Offers to Join The Firm
News

Car dealers sue Rivian, state over direct sales
News, Crain's Chicago Business , [March 26, 2021](#)

VanderPloeg Joins the National Association of Dealer Counsel
News, [March 26, 2020](#)

ALERTS

Burke Warren Remains Fully Committed to Client Service Through Remote Working Capabilities
Alert, [March 18, 2020](#)

Auto Dealer Victory: U.S. Supreme Court Rules Service Advisors Are Exempt From Overtime Pay
Alert, [April 20, 2018](#)

BWM&S Fights for GM and Chrysler Dealers Seeking Reinstatement
Alert, [February 22, 2010](#)