

Automotive

Flaster Greenberg's Automotive Industry Group adds value to automotive and truck dealerships by providing focused legal services from attorneys with diverse backgrounds and practices who work with and understand this unique industry. Our knowledge of the automotive and truck dealership industry provides value and good business sense.

We help clients achieve their goals by addressing the issues and concerns that impact automotive and truck dealerships, with solutions as varied and complex as the dealerships themselves. Our knowledge of government regulations and extensive business experience help shape winning strategies when dealing with land use, zoning, environmental issues, employment and labor law, business and tax planning, and dealer/manufacturer relationships.

Unique in the region, Flaster Greenberg is a multidisciplinary mid-sized law firm capable of assembling an experienced team from a comprehensive range of practice areas. We can identify problems and opportunities associated with automotive and truck dealerships, and provide the perspective and experience needed to pursue prudent courses of action.

We represent automotive and truck dealerships with respect to:

Commercial Litigation

- Fraud litigation, contract disputes, lemon law claims, theft of trade secrets, and floor plan financing disputes
- Claims against manufacturers and third-party vendors, insurance coverage disputes, franchise disputes, employee claims and most other forms of commercial disputes

Consumer Affairs

- Advertising issues and consumer regulations
- Complaints lodged by state agencies and consumers

Corporate and Tax

- Everyday business issues and concerns
- Buying and selling dealerships and franchises
- Negotiating, drafting and closing buy-sell agreements with careful attention to tax consequences
- Tax disputes with the IRS and state tax authorities

Attorneys

Thomas J. Durling
Meghan K. Finnerty
Adam E. Gersh
Stephen M. Greenberg
J. Philip Kirchner
Jordan A. LaVine
Douglas S. Stanger
Frank H. Wisniewski

Continued

Employee Benefits/Executive Compensation

- Designing and implementing compensation programs, including programs in connection with succession planning and business sales
- Proper design and administration of 401(k) plans, union pension plans, welfare and cafeteria plans, and fringe-benefit arrangements
- Permissible methods for investing retirement plan assets in alternative investments, such as private businesses and real estate projects

Environmental

- Coordinating Phase I Environmental Assessments and providing guidance concerning the appropriate scope of such assessments
- Addressing environmental issues related to body shop operations, underground storage tanks and in-ground lifts

Estate, Succession and Asset Protection Planning

- Estate planning and asset-protection planning
- Effective means to preserve wealth and transfer of property in a tax-efficient manner

Financial Restructuring

- Negotiating financing arrangements with creditors and banks, including trade creditors, and floor plan financing

Franchise

- Franchise actions with various state agencies
- Filing protests alleging wrongful termination by the manufacturer

Labor and Employment

- Day-to-day labor relations and employment law issues, including wage and hour compliance, hiring and firing, and compliance with federal and state anti-discrimination laws
- Defending claims of wrongful termination and discrimination
- Enforcing business interests of dealerships when threatened by violations of noncompetition, non-solicitation, confidentiality and other employment agreements
- Providing onsite training for managers and supervisors in appropriate interview techniques, employee reviews and disciplinary procedures
- Preparing and reviewing employee manuals, handbooks, employment applications, termination letters and other employment-related documents
- Developing and implementing proactive labor relations strategies, to assist dealerships in remaining union free and to aid unionized companies in negotiating favorable contracts, and resolving grievances and arbitrations

Continued

Real Estate, Land Use and Zoning

- Preparing and negotiating real estate, purchasing, selling and leasing agreements
- Obtaining approvals and modifications from municipal, county and state agencies, including NJDOT, NJDEP and Pinelands, for new and existing sites, buildings and signage
- Construction contracts and construction dispute resolutions, including litigation

Trademark

- Selecting, clearing and registering trademarks, trade names and service marks, including dealership names and slogans
- Brand selection, protection and enforcement
- Expanding and strengthening intellectual property rights