

Manufacturer/Dealer & Wholesale Finance

McDowell Rice practices nationwide in the areas of commercial, dealer, franchise, wholesale lending, lender liability and trade practices litigation, bankruptcy litigation, and antitrust litigation and counseling.

The firm represents manufacturers and franchisors in disputes with their dealers/franchisees. These disputes include termination, encroachments, cure process, parts returns, succession, revisions to dealer/franchise agreements, dealer/franchisee bankruptcy, supplier bankruptcy and customer bankruptcy.

McDowell Rice represents and counsels manufacturers, franchisors and other clients on matters arising under the Sherman Act, the Clayton Act, and the Robinson-Patman Act and unfair competition and trade practices under state law. The firm also counsels clients in contract, commercial, trade practices, and marketing disputes.

The firm represents wholesale and commercial lenders in disputes with borrowers, including out-of-trust ("SOT"), working capital and real estate loan disputes, workouts, forbearance agreements, lender liability and tying allegations, and borrower bankruptcy. The firm also assists clients in revising wholesale/floor plan and other loan documents.

Representative clients:

- Farm and construction equipment manufacturers
- Automobile manufacturers
- Industrial rolling equipment manufacturers
- "Small" motorized equipment manufacturers
- RV and housing manufacturers
- Wholesale and floor plan lenders (captive and independent)
- Direct customer finance equipment lenders (captive and independent)
- Other inventory/asset based/real estate lenders

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