



John E. Benko

Member

Detroit

P: 248.220.1352

Practice Focus

- Automotive
- Business litigation
- Construction
- Products liability and mass tort

John has extensive experience in complex commercial litigation and contract litigation in which he specializes in the automotive and construction industries. In addition to acting as outside general counsel to automotive suppliers, John has represented Tier I and Tier II automotive suppliers in a wide range of legal matters, including tooling disputes, recall litigation, and supplier disputes regarding commodity pricing and other commercial terms.

John works directly with multiple automotive clients' purchasing departments to provide real time advice on supply disputes before they become unresolvable. John's comprehensive knowledge of the automotive industry has been gained through experience in practically every aspect of the supply chain contracting and dispute practice, including:

- Drafting and reviewing automotive contracts and terms and conditions
- Counseling clients on the risks and proper positioning for potential disputes
- Handling supply chain litigation

In the construction industry, John has represented numerous contractors in disputes with owners and governmental entities. He has tried cases in state and federal courts in Michigan, and represents clients in other jurisdictions around the country. While John manages many types of construction disputes, his primary focus is on heavy underground construction and claims and defenses related to such projects.

John earned a J.D. from the University of Michigan Law School in 1998. He received a B.A. from Central Michigan University in 1993.

Representative Cases/Matters

- Regularly represent logistics suppliers in the automotive, technology, aerospace and other industries related to the provision of logistics services including, but not limited to, just-in-time delivery of parts, sequencing, kitting, and other related services. Assist clients with disputes regarding the achievement of contractual obligations related to these and similar services, including the satisfaction of key performance

indicators and other performance measurements.

- Regularly represent Tier supplies in the automotive industry regarding supply of parts both up and down the supply chain (to customers and from suppliers). This includes analyzing purchase orders and long term supply agreements to determine the best strategy for achieving desired outcome, positioning the client in advance of a dispute to achieve these results, and, of course, litigating disputes on both an emergency and long term basis when resolution cannot be otherwise achieved.
- Serves as lead outside counsel for commercial issues to multiple tier automotive suppliers, which includes reviewing and drafting terms and conditions and long term supply agreements, handling day-to-day supply disputes with customers and lower tier suppliers, and working on a wide range of litigation matters.
- Served as outside general counsel to a \$1 billion revenue plus plastics supplier for approximately 18 months. Responsible for providing company wide legal support, including working with the purchasing department to address troubled supplier issues, and reporting to executive team on a variety of legal issues.
- Has successfully represented multiple suppliers in supply disputes related to efforts to terminate contracts, from both a customer and supplier perspective, due to rising commodity pricing and other rising costs. Involved both obtaining and avoiding injunctive relief requiring suppliers to continue to ship parts at agreed upon pricing.
- Obtained favorable resolution of dispute involving \$27 million escrow from purchase and merger of logistics service provider to the automotive and technology industries.
- Successfully defended multiple multi-million dollar warranty recall claims by original equipment manufacturers for purported defects with component parts, including chassis and electronic components.

Admissions - Court

- U.S. Court of Appeals for the 6th Circuit
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan

Admissions - State

- Michigan

Education

- University of Michigan Law School
- Central Michigan University

Honors and Awards

- Named one of the *Best Lawyers in America* (2013-2022)
- Selected for inclusion in *Michigan Super Lawyers* (2012-2021)

Professional Membership

- State Bar of Michigan
- American Bar Association

Blog Posts

- Coronavirus: A force majeure in the automotive supply, or just another supply chain dispute?

News

- 50 McDonald Hopkins attorneys recognized in The Best Lawyers
- McDonald Hopkins attorneys selected to 2021 Michigan Super Lawyers and Rising Stars Lists
- Nine McDonald Hopkins attorneys recognized as Michigan Super Lawyers and Rising Stars
- Lawyer of the Year honorees Riley and Welin among 42 McDonald Hopkins attorneys recognized as 2021 Best Lawyers
- 41 attorneys from McDonald Hopkins recognized as 2020 Best Lawyers®
- Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018
- 39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017
- Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016