



Timothy J. Lowe

Member

Detroit

P: 248.220.1359

“ I’m a problem solver for businesses. I provide real-time advice before a dispute escalates into the courtroom and help businesses navigate litigation if it arises. I help business owners protect their most valuable assets – their customer and supplier relationships, their human capital, technology, confidential information, and trade secrets. ”

Practice Focus

- Automotive
- Trade secret, non-compete and unfair competition
- Sales representative and consulting
- Directors and officers litigation
- Business litigation
- Data privacy litigation

Tim has extensive experience in the areas of business and commercial litigation with particular emphasis on manufacturing, supply chain, automotive, business, non-compete/trade secret, and sales representative disputes. He has represented Tier I and Tier II automotive suppliers on a wide range of legal matters, including tooling disputes and supplier disputes involving pricing and commercial terms. Tim has litigated non-compete, non-disclosure, and trade secret matters in nearly every industry. Tim also litigates matters involving data security and data privacy, including matters involving wire fraud and ransomware, across the country, and advises clients in efforts to resolve these matters short of litigation.

Tim’s expertise is providing real time advice to manufacturers and other businesses before disputes cannot be resolved. This includes drafting and reviewing contracts and terms and conditions to identify potential risks, and counseling clients on supply chain matters to best position them in the event of a dispute. In the construction industry, Tim’s experience includes representing contractors in disputes involving the design and construction of factories and assembly lines in both the public and private sectors.

Tim also has experience defending privately held corporations in shareholder oppression disputes, defense a company’s individual directors and officers, and defense of companies in ERISA benefits litigation.

Tim earned a J.D. from Wayne State University, graduating magna cum laude as part of the Order of the Coif in 2005. He received a B.A. from Aquinas College, graduating magna cum laude in 2002.

Representative Cases/Matters

- Regularly advises manufacturing clients in issues related to the supply of parts both up and down the

supply chain. This includes analysis of purchase orders and supply agreements to determine the best strategy to meet the clients goals, and the litigation of supply disputes when a resolution cannot be achieved.

- Successfully obtained preliminary and permanent injunctive relief and monetary damages while enforcing non-competition agreements in a variety of industries.
- Represented automotive clients in commercial disputes related to product recalls.
- Counseled manufacturers of consumer products on issues related to product safety recalls including requirements for government notification and potential liability.
- Represented logistics suppliers in a variety of industries in the provision of logistics services, including justintime delivery of parts, kitting, sequencing, and other related services.
- Represented automation contractor in a dispute involving the construction of a facility for the manufacture of airplane wings.
- Successfully represented multiple manufacturing companies in supply disputes related to the termination of contracts from both the customer and supplier perspective. Successfully obtained injunctive relief requiring suppliers to both ship parts and release tooling.
- Successfully defended global logistics company in defense of claims related to failed MRO program involving issues related to ontime delivery and electronic ordering and delivery processes.
- Obtained summary judgment for bank accused of fraudulently approving commercial loans.
- Favorably resolved claim involving multimillion dollar escrow from purchase and merger of international company.
- Won arbitration award for software and controls company related to construction of an assembly line to manufacture munitions.

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 Northern District of Ohio
- U.S. District Court for the Western District of Michigan

Admissions - State

- Michigan

Education

- Wayne State University Law School
- Aquinas College Grand Rapids Michigan

Honors and Awards

- Selected for inclusion in *Michigan Super Lawyers* (2013-2017)
- Selected for inclusion in *Michigan Rising Stars* (2012)

Professional Membership

- State Bar of Michigan
- Federal Bar Association
- Detroit Metropolitan Bar Association

Alerts

- Industry specific privacy laws becoming a new norm
- Companies with employees in Massachusetts will be affected by non-compete agreement reform
- 3 questions to consider before terminating a sales representative

Blog Posts

- Employment Law Q&A: Are my organization's non-compete agreements with our healthcare providers enforceable?
- FTC and federal intervention on non-competes may cause unnecessary hardship on companies reasonably trying to protect their assets
- Non-compete agreements are enforceable – to the extent they are reasonable
- Deadlines to comply with new restrictive covenant law loom in several states
- Biden's Executive Order encourages review of the use of noncompete clauses but stops short of proposing a ban
- Biden Administration targets competition
- Washington, D.C. bans all noncompete agreements, joining list of other states with restrictive noncompete legislation
- Words matter: "ANY REASON" may mean "SOME REASON" in triggering a post-employment restrictive covenant
- Critical updates coming to state non-compete laws
- Aggressive state action being taken over noncompete agreements
- Selective enforcement defense is not available under Ohio law
- Court of Appeals interprets Michigan moldbuilders lien statute
- Companies incorporate The Internet of Things at manufacturing plants, but at what risk?

News

- Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars

Podcasts

- Non-compete agreements: Understanding the basics

External Publications

- "How sales representative agreements can provide both a shield and a sword," Smart Business Detroit,

September 2011

- "Sales Rep Agreements, are you protected?" HBMA Billing, December 2010
- "U.S. Supreme Court Decides Issue of Arbitrability of Contract," McDonald Hopkins Alert, July 2010

Events

- Protecting Business Assets 2018 | Tuesday, March 13, 2018
- How to Protect Business Information in 2017 | Thursday, March 2, 2017

Speaking Engagements

- The Refractories Institute 2017 Fall Institute Meeting, October 2017
- Non-Compete and Trade Secret Law Update, The Transformer Association 2018 Spring Meeting, April 2018