



# Motor Industry

The multi-disciplinary **Motor Industry Team** at Walker Morris offers clients a full range of legal expertise across all areas of their business. We understand the motor industry as a whole and the challenges and pressures that it faces. Our experience of working with motor manufacturers, dealers and part suppliers over several decades means that we can offer pragmatic advice across a wide range of disciplines including: mergers and acquisitions, product liability and recalls, real estate, insolvency, regulatory compliance, commercial, competition, intellectual property and trade marks, joint ventures, employment and litigation.



A few examples over the years of the automotive experience of members of our team include:

## Acquisitions

- Acting for a **global manufacturer** in its acquisition of the spare parts business of MG Rover, an existing logistics customer. We were successful in a very substantial claim arising out of the same deal against Phoenix Venture Holdings, following MG Rover's insolvency.
- Advising Toyota and Hyundai dealership **Meridian Motor Group** on all of their acquisitions including seven in six weeks in early 2014.

## Administration

- Advised on the **Birkby's Plastics administration**, a part manufacturer for **Toyota** and others. The case involved a tier one supplier to the motor industry and required the negotiation of terms of trading with several vehicle manufacturers.
- Acting for **Neovia Logistics** in a substantial claim against Affinia Inc, arising out of the insolvency of parts supplier, Quinton Hazel.

## Commercial & Competition

- Acting for a range of **manufacturers, dealers and repairers** in drafting and advising on parts and new vehicle distribution agreements and authorised repairer agreements for cars and trucks (members of the team have advised the likes of **Porsche, Volkswagen, Audi, DAF Dealers Association, Isuzu, Nissan, BMW** etc.)
- Advising on commercial / competition issues arising in respect of the supply of **off-road vehicles** e.g. acting for **Toyota's forklift trucks business** and for **Caterpillar**.

- Training and advising various **vehicle and parts manufacturers** and **dealers** on competition law compliance and how to handle 'dawn raids'. (Members of the team have advised **Volkswagen, Michelin, Mercedes dealers** etc.)
- Anti-trust defence work in the motor sector.

### Financial Regulatory / Tax

- Advising **AA/Saga** on their car insurance and finance matters.
- Advising on a multi-million pound investigation into import and export mis-declarations by a **vehicle manufacturer** arising from the complex interaction of a number of regimes including Inward Processing Relief, Outward Processing Relief and End Use Relief.

### Intellectual Property

- Advising Bus manufacturer **Optare Group**, ATV parts supplier **Rocky Mountain ATV Inc** and Chinese electric car manufacturer **Zhuhai Eway** on intellectual property matters.
- Advising brake systems manufacturer **Juratek** in relation to High Court proceedings brought by a competitor in respect of alleged patent infringement.
- Assisted **Impex Parts Ltd** in connection with a parallel imports matter with a major automotive manufacturer and supplier.

### Litigation

- Acting for an **OEM manufacturer** in claims for specific performance injunctions against suppliers to compel performance of contracts and resisting demands for increased payment terms.
- Obtaining \$13m judgment for a **global manufacturer** from distributors and defending cross claims relating to the termination of a foreign distribution agreement.
- Advising tractor manufacturer **Case New Holland** on a dispute arising out of a long term supply agreement with a competitor.

### Product recall

- Advising a car roof rail manufacturer **Thule** on product recall work and substantial claims for damages relating to "just in time" supplies and disruption to production.
- Acting for an **engine manufacturer** in claims against suppliers for the cost of product recalls and field campaigns.



#### Trudy Feaster-Gee, Partner (Barrister)

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Trudy is Head of Competition and advises on all aspects of EU and UK competition law across a wide range of sectors. In the motor sector, Trudy has over two decades of specialist experience advising on the array of commercial / competition issues arising under EU case law and regulations and impacting dealer network structure and agreements, warranty terms, parts supply and servicing, access to technical information, parallel importing, online sales and so on. She also handles merger clearance and competition law investigations (including dawn raid defence) and litigation.

Trudy's unique experience in the motor sector includes two secondments: to the **motor sector unit in DG Competition (Brussels)**; and as **Head of Legal to the UK operation of a vehicle manufacturer**. In private practice, Trudy has advised all segments of the market: manufacturers, dealers / dealer associations and parts suppliers. The variety of these roles has allowed her to 'sit on each side of the fence' and gain a very rounded, practical perspective on the application of competition law in the motor sector.

Trudy is recognised as a leading practitioner in Legal 500. The 2016 Chambers Directory says that clients praise Trudy for her "*legal expertise and awareness of wider policy issues*" and "*her expert knowledge and diligence*". Trudy was invited by Global Law Experts to be their sole representative for competition law in the UK in 2015. She also won the 2015 Corporate LiveWire Legal Awards for Excellent Competition Law.



**Malcolm Simpson, Partner**

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Malcolm has 25 years experience handling commercial disputes and has exceptional experience in the automotive sector. Malcolm regularly advises on a wide range of automotive disputes arising out of mergers and acquisitions, supply chain disputes, insolvency, product liability issues and distributorship arrangements. For 15 years he has been retained by a global manufacturer and its group companies to handle all of their English law disputes, many of which have an international dimension.

As well as being an accomplished trial lawyer, he is frequently involved in arbitrations, mediations and expert determinations. He is an experienced arbitrator and a CEDR accredited mediator. Malcolm has consistently ranked in the top tier for commercial dispute work in both leading independent directories of the legal profession.

Chambers 2014 describes Malcolm as "*a strategic thinker as well as a good tactician,*" "*a very calming force in contentious situations*" and "*somebody who gives a great deal of thought to the way the case needs to be conducted.*" Chambers 2015 says: "*Excellent judgment - he is calm strategically and is a great thinker.*"

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