

## Peter Loh

### Partner

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Dallas

214.999.4391



A pragmatic business litigation attorney, Peter Loh views litigation, or potential litigation, as a business dispute in search of a business solution. With extensive courtroom experience, Peter litigates tenaciously on clients' behalf. He also counsels them on how to avoid litigation, recognizing that clients view it as inconvenient, expensive, and unpleasant.

“Peter is a thoughtful and conscientious lawyer who has an ability to think through strategy in both individual disputes as well how it will affect your business at an organizational level. He makes sober and realistic assessments of risk and communicates clearly. He is also adept at leveraging the firm's significant resources to assist your business in ways you might not have considered. Peter provides excellent counsel and I highly recommend him.” Stephen Hagedorn, former General Counsel for Jani-King International, Inc.

Peter represents plaintiffs and defendants in complex commercial litigation disputes throughout the country in the manufacturing, retail, tech, finance, and consumer products sectors. He advises on and litigates claims of breach of contract, fraud, trade secret misappropriation, tortious interference, and violations of the Computer Fraud and Abuse Act (CFAA) and the Fair and Accurate Credit Transaction Act (FACTA).

Peter has a national reputation for his extensive experience representing franchisors. He has litigated against the Department of Labor and Small Business Administration on behalf of national franchise systems in cases involving employment misclassification and the issuance of loans from the Paycheck Protection Program (PPP).

**“We are very pleased with the relationship that's developed with Peter and his team at Foley & Lardner. Peter's understanding and expertise in our manufacturing contractual disputes has helped guide us accurately. His availability is commendable and second to**

**none and he has professionally utilized other resources at Foley for our needs.”**

Peter is vice chair of the Distribution & Franchise Practice Group and the Business Litigation and Dispute Resolution Practice Group Leader for Foley’s Texas, Florida, and Mexico City offices. He has handled cases in state and federal courts in Texas, Oklahoma, California, New York, Hawaii, Arizona, Colorado, Maryland, Minnesota, Florida, Tennessee, Louisiana, Delaware, New Mexico, and Pennsylvania. He speaks basic conversational Mandarin.

Clients include:

- Dickey’s Barbecue Restaurants, Inc.
- Docupace
- iServe Residential Lending LLC
- GEA Farm Technologies
- Good Times Restaurants, Inc.
- Jani-King International Inc.
- McGrath RentCorp
- MultiCam, Inc.
- Pro Volleyball Federation, LLC
- Steel King Industries, Inc.
- A Fortune 50 independent refinery

### **Representative Experience**

- Lead trial counsel in federal court in Delaware defending national restaurant franchisor against claim of breach of the duty of good faith and fair dealing arising from failed negotiations for sale of client’s wholly owned subsidiary. Trial court awarded judgment in favor of client, and the court of appeals affirmed the decision. The case presented novel issues concerning whether a non-binding letter of intent may contain an implied duty of good faith and fair dealing.
- Lead defense counsel in federal court in Oklahoma against Department of Labor’s suit claiming misclassification of franchises as independent contractors instead of employees against commercial cleaning franchisor. At the time of filing of the original suit, the department had never before brought such claims against a franchisor. Client’s motion for summary judgment is currently pending before the trial court.
- Lead counsel in Texas state court action to appoint receiver over importer of foreign manufactured construction materials and prosecute claims of breach of contract, breach of fiduciary duty, and tortious interference.
- Lead counsel in Delaware Superior Court representing purchaser of aerospace parts manufacturer against seller for pre-closing fraudulent misrepresentations. Client defeated seller’s counterclaims at summary judgment and settled remainder of claims on favorable terms.

- Lead counsel in federal court in Maryland representing provider of consulting and regulatory compliance services to financial institutions. Client prevailed on its claims of breach of contract at summary judgment and was awarded attorneys' fees over two times the amount of actual damages.

## Awards and Recognition

- *Texas Super Lawyers®*
  - Business Litigation (2020-2024)
  - Rising Stars (2011-2012)
- "Best Lawyers in Dallas," *D Magazine*
  - Business/Commercial Litigation (2016-2024)

## Affiliations

- State Bar of Texas – Member
- Dallas Bar Association – Member
- National Asian Pacific American Bar Association – Member
- Dallas Asian American Bar Association – Member
- Texas Bar Association – Fellow
- Dallas Bar Association – Fellow

## Community Involvement

- Dallas Council on World Affairs – Board of Directors (2018-2024)
- Swiss Avenue Historic District Association – President (2017-2019)
- Leadership Dallas class of 2018, Dallas Regional Chamber of Commerce
- Boy Scouts of America, Circle 10 Troop 43 – Advancement Committee Chair
- Flight, Vogel Alcove's Young Professionals Organization – Vice President, Founding Board of Directors (2013-2014)
- St. Thomas Aquinas Wildcats, Dallas Little League – Coach (2013-2016)
- St. Thomas Aquinas Catholic School Parents' Advisory Council – Member (2010-2013)
- Lower Greenville Neighborhood Association – Vice President, Board of Directors (2009-2012)
- Leadership Arts Institute, Business Council for the Arts – Graduate (2006-2007)

## Presentations and Publications

- Co-author, "The Franchise Rule and State Franchise Law Requirements (TX)," *Thomson Reuters Practical Law Commercial Transactions* (2023)
- Co-author, "State Pre-Sale Franchise Registration and Disclosure Laws Charts: Overview," *Thomson Reuters Practical Law Commercial Transactions* (2023)
- Co-author, "[Smart Manufacturing is the Future of Automotive Manufacturing](#)," *Foley & Lardner's Dashboard Insights* (August 2023)

- Co-author, “[Understanding Claims of Joint Employment and Employment Misclassification](#),” *Franchising Magazine USA* (July 2023)
- Moderator and Contributor, “Supply Arrangements and Revolts: Franchisor’s Rights v. Franchisee Revolts,” IFA Legal Symposium (May 2022)
- Moderator, Foley & Lardner LLP Law of Product Distribution Franchise Seminars (November 2021)
- Contributor, “The Franchise Rule and State Franchise Requirements (TX),” *Thomson Reuters Practical Law Commercial Transactions* (November 3, 2021)
- Speaker, “It’s Baack! (With a Vengeance) — The Joint Employer Doctrine,” Foley & Lardner LLP Law of Product Distribution Franchise Seminars (October 2021)
- Co-author, “Making the case: remote litigation can benefit your franchise in the long-term,” *Global Franchise Magazine* (August 2021)
- Quoted, “[Remote Legal Process Benefits ‘Zees and ‘Zors, Says Lawyer](#),” *Franchise Times* (June 9, 2021)
- Contributor, “Zooming to Victory in Remote Franchise Litigation,” *IFA Annual Legal Symposium* (May 2021)
- Speaker, “So, You Want to Terminate? Some Do’s and Don’ts,” Foley & Lardner LLP Law of Product Distribution Franchise Seminars (June 7, 2020)
- Contributor, “The Franchise Rule and State Franchise Requirements (TX),” *Thomson Reuters Practical Law Commercial Transactions* (September 21, 2020)
- Contributor, “The Franchise Rule and State Franchise Requirements (TX),” *Thomson Reuters Practical Law Commercial Transactions* (September 30, 2019)
- Speaker, “How to Defend Against Joint Employment and Employee Misclassification Claims,” Foley & Lardner LLP Law of Product Distribution Franchise Seminars (2018, 2019)

## Languages

- Chinese (Mandarin)
- English

## Sectors

- [Consumer Products](#)
- [Equipment & Industrial Product Manufacturing](#)
- [Innovative Technology](#)
- [Manufacturing](#)
- [Supply Chain](#)

## Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [Distribution & Franchise](#)
- [Litigation](#)
- [Privacy, Security & Information Management](#)

- [Product Liability](#)

## Education

- The University of Texas School of Law (J.D., 2002)
  - Member, *Texas Review of Litigation Law Journal*
- Georgetown University (B.A., 1995)
  - Government
  - History
  - Asian studies
  - Member, Phi Alpha Sigma, The National Political Science Honor Society
  - Mandarin Chinese Studies, Beijing University, Beijing, China (1993)

## Admissions

- Texas (2002)
- Texas State Courts (2002)
- U.S. District Court for the Eastern, Northern, Southern and Western Districts of Texas
- U.S. Court of Appeals for the 5th Circuit (2011)