

## John R. Trentacosta

### Partner/Retired



John R. Trentacosta is a partner in the Litigation Department at Foley & Lardner LLP. John is actively involved in drafting and litigating contracts commonly used in the manufacturing and automotive industries. He frequently represents clients in supply chain disputes, particularly automotive and supplier-manufacturer disputes in the automotive and manufacturing industries. He is the former chair of the Detroit Litigation Department and founder/member of the firm's Automotive Industry Team. He also is a member of the Commercial Transactions & Business Counseling and International Practices.

### Representative Experience

John has handled complex contract, UCC, and supply chain counseling and multi-million dollar litigation for numerous automotive and manufacturing companies, including:

- Autoliv ASP, Inc.
- BorgWarner, Inc.
- Bridgestone Americas Tire Operations, LLC
- Brose North America, Inc.
- Cooper-Standard Automotive Inc.
- Freudenberg North America
- General Electric Consumer & Industrial
- Harman International Industries, Inc.
- Hella Corporate Center USA, Inc.
- Inteva Products
- Johnson Controls, Inc.
- Kautex North America
- Kongsberg Automotive, Inc.
- Lear Corporation
- Nemak, S.A.

- Nexteer Automotive Corporation
- Pirelli North America, Inc.
- Textron Inc.
- TI Automotive
- Tower International
- Vari-Form Inc.
- Veoneer US, Inc
- Visteon Corporation
- Walbro LLC
- Whirlpool Corporation
- Williams International
- ZF Steering Systems LLC

### **Awards and Recognition**

John was recently recognized by JD Supra's 2022 Readers Choice Awards in the Transportation category as one of the top ten authors writing about transportation on JD Supra during 2021. John was also recognized by the National Law Review as a 2021 Go-To Thought Leader in the area of "Transportation Law." In 2017, John was awarded the Stephen H. Schulman Outstanding Business Lawyer Award by the State Bar of Michigan Business Law Section. John was also named to BTI Consulting Group's coveted Client Service All-Star Team in 2017. This honor is bestowed upon individual attorneys who deliver outstanding client service according to corporate counsel interviewed at large organization with \$1 billion or more in revenue. John has over 35 years of commercial, contract, and supply chain litigation experience. Having published three books in this area, he is recognized as one of Michigan's leading experts in Article Two of the Uniform Commercial Code involving commercial transactions. In 2010, he was named a BTI Client Service All-Star, an elite group of attorneys nominated solely and exclusively by clients in BTI's independent study as delivering the absolute best in client service. In addition, John has been peer review rated as AV Preeminent®, the highest performance rating in Martindale-Hubbell® Peer Review Ratings™ system and was selected for inclusion in the 2006 and 2008 – 2021 Michigan Super Lawyers® lists for business litigation. John is listed in the 2006 edition of Chambers USA: America's Leading Lawyers for Business and has been selected by his peers for inclusion in The Best Lawyers in America© since 2010 in the field of commercial litigation. He was named one of the 25 Leaders in the Law by Michigan Lawyers Weekly and also was named to DBusiness magazine's 2011 list of Top Lawyers in the areas of commercial law and commercial litigation. For over 30 years, John has been recognized as an expert in automotive and manufacturing supply chain law, having published several books on the topic and lectured at universities in the US, Hong Kong, and Germany.

### **Affiliations**

John is a member of the State Bar of Michigan and has served as chairperson (1995–96) and council member (1990–95) of the Business Law Section. He has served as chairperson of the UCC Committee (1987-98). He is also a member of the American Bar Association, Business Law and Litigation Sections.

## Presentations and Publications

### Books

A respected and widely published author, John has published four books in the areas of contract, UCC and supply chain law. These books include:

- *Michigan Contract Law, Second Edition* (Institute of Continuing Legal Education, 2013)
- *Michigan Contract Law*, (Institute of Continuing Legal Education, 1998)
- *Michigan Legal Forms-Uniform Commercial Code* (Lawyers Cooperative Publishing, 1995)
- *Law of the Automotive and Manufacturing Supply Chain: A Handbook for Success* (Foley & Lardner LLP, 2023)

### Articles

John has also published numerous articles on UCC issues and commercial litigation:

- “Contracting for International Arbitration in the Global Supply Chain,” *Michigan Bar Journal* (September 2018)
- “Best Practices for Drafting Supply Chain Contracts,” *Michigan Bar Journal* (October 2017)
- “Warranty Dispute Litigation,” *Michigan Bar Journal* (January 2017)
- “Force Majeure Clauses: An ‘Out’ for Suppliers Facing Shortages and Supply Chain Disruptions from West Coast Labor Dispute,” *Dashboard Insights* (February 2015)
- “Disputes in the Manufacturing Supply Chain: A Primer on Warranty and Disclaimer Law,” *Michigan Bar Journal* (October 2014)
- “Risks and Strategies with Contracts of Indefinite Duration,” *Michigan Business Law Journal* (Fall 2012)
- “IP Tug of War,” *Inside Supply Management*, Vol. 22, No. 4 (May 2011)
- “Commercial Impracticability and Fair Allocation Under UCC 2-615,” *Michigan Bar Journal* (November 2010)
- “Drafting Effective Warranties,” *Inside Supply Management*, Vol. 21, No. 8 (August 2010)
- “Dealing with Financially Troubled Suppliers,” *Material Handling Management*, (July 2010)
- “Restructuring Contracts in Stressful Times: Strategies for Successful Contract Negotiations,” *Nonprofit World*, Vol. 28, No. 3 (May/June 2010)
- “Update: Demands for Adequate Assurance of Performance Under the UCC in a Major Economic Downturn,” *The Michigan Business Law Journal*, Vol. 29, Issue 3 (Fall 2009)
- “The Much-Maligned Purchase Order: Issues, Strategies, and Solutions,” *Michigan Bar Journal* (May 2007)
- “Technology and Intellectual Property in Supplier Contracts: Risks and Strategies,” *OESA Supplier News* (March 2007)
- “Demand for Adequate Assurance of Performance Under the UCC,” *The Michigan Business Law Journal*, Vol. XXIII, Issue 1 (Spring 2003)
- “Damages in Breach of Contract Cases,” *Michigan Bar Journal* (October 1997)

- “Annual Survey of Michigan Law, Commercial Transactions and Contracts,” *The Wayne Law Review*, Vol. 42, No. 2A (1996)
- “Annual Survey of Michigan Law, Commercial Transactions and Contracts,” *The Wayne Law Review*, Vol. 41, No. 2A (1995)
- “Performance and Breach of Contracts Under UCC Article 2,” *Michigan Bar Journal* (June 1995)
- “Drafting and Litigation Issues in Contract Formation,” *Michigan Bar Journal* (July 1993)
- “Establishing a More Efficient and Effective Relationship with Outside Litigation Counsel,” *The Michigan Business Law Journal*, Vol. XIV, Issue 4 (July 1992)
- “Drafting Purchase Orders and Other Documents of Sale,” *The Michigan Business Law Journal*, Vol. XIV, Issue 3 (May 1992)
- “Article 2 Warranties and Warranty Disclaimers,” *Michigan Bar Journal* (March 1991)
- “UCC 2302 Unconscionability in a Commercial Setting,” *The Michigan Business Law Journal*, Vol. XII, Issue 4 (October 1989)
- “Uniform Commercial Code Recent Issues in Article 2 Law,” *The Michigan Business Law Journal*, Vol. XI, Issue 2 (September 1988)
- “Commercial Litigation Between Computer Vendors and Customers,” *Michigan Bar Journal* (June 1987)
- “Protecting Internal Review and Critical Self Analysis from Disclosure,” *Michigan Bar Journal* (August 1986)

## Academic Experience

John served on the Advisory Board for the Supply and Value Chain Center, Quinlan School of Business (MBA), Loyola University-Chicago.

John has lectured at major business schools, law schools and trade associations on legal issues and strategies in the manufacturing supply chain, including:

- Michigan State University Executive MBA Program
- University of Michigan School of Law
- Shue Yan University – Hong Kong
- Loyola University Quinlan School of Business
- Indiana University-South Bend
- Original Equipment Suppliers Association (OESA)
- National Association of Purchasing Managers (NAPM)
- Institute of Supply Chain Management (ISM)

## Education

- Georgetown University Law Center (1980)
- Michigan State University (Undergraduate, high honors, 1977)
  - Finance