



## Timothy J. Lowe

MEMBER; CO-CHAIR, BUSINESS LITIGATION

Detroit

248.220.1359 | [tlowe@mcdonaldhopkins.com](mailto:tlowe@mcdonaldhopkins.com)

### OVERVIEW

Tim is co-chair of the Firm's Business Litigation Practice Group and a member of the Litigation Department. Tim has extensive experience in the areas of business and commercial litigation with particular emphasis on non-compete/trade secret, manufacturing and supply chain, automotive, business, employment, and sales representative disputes. Tim has litigated non-compete, non-disclosure, and trade secret matters in nearly every industry and across the United States, including successful results in state and federal courts of appeal. Tim has also litigated a variety of employment disputes for companies in a wide range of industries. 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 also litigates matters involving data security and data privacy, including matters involving wire fraud, ransomware and class action defense.

Tim's expertise is providing real-time advice to businesses before disputes cannot be resolved. This includes drafting and reviewing contracts and terms and conditions to identify potential risks, and counseling clients to best position them in the event of a dispute.

Tim also has experience defending privately held corporations in shareholder oppression disputes, defending individual directors and officers, defending construction disputes involving the design and construction of factories and assembly lines, 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.

### Practice Focus

Business litigation | Trade secret, non-compete and unfair competition | Data privacy litigation | Sales representative and consulting | Directors and officers litigation | Labor and employment litigation | Products liability and mass tort

### Industries

Automotive

**Timothy J. Lowe**

**Representative Cases & Matters**

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- 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 just-in-time 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 on-time 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.

**Honors & Recognition**

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

Selected for inclusion in *Michigan Rising Stars* (2012)

**Credentials**

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**EDUCATION**

Wayne State University Law School

Aquinas College Grand Rapids Michigan

**ADMISSIONS – COURT**

U.S. Court of Appeals for the 3rd Circuit

U.S. Court of Appeals for the 6th Circuit

## **Timothy J. Lowe**

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

## **Professional & Civic**

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### **PROFESSIONAL ACTIVITIES**

State Bar of Michigan

Federal Bar Association

Detroit Metropolitan Bar Association

## **News & Insights**

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BLOG POST | OCTOBER 6, 2023

New California restriction on non-compete agreements goes into effect January 1, 2024

BLOG POST | SEPTEMBER 5, 2023

Supply chain litigation and what to expect when your supply chain stops

ALERT | JANUARY 5, 2023

FTC proposed rule would ban non-compete clauses

NEWS | OCTOBER 5, 2022

McDonald Hopkins Announces Transition to New Co-Presidents, Leadership Team

BLOG POST | JULY 19, 2022

Washington Attorney General Highlights the Risk - and Expense - of Not Complying With State Noncompete Laws

BLOG POST | JULY 18, 2022

Colorado based employers now subject to penalties for unfair use of noncompete agreements

BLOG POST | MARCH 14, 2022

Employment Law Q&A: Are my organization's non-compete agreements with our healthcare providers enforceable?

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NEWS | MARCH 14, 2022

Detroit non-compete lawyer: These are my 3 most-asked questions, Crain's Detroit Business

BLOG POST | JANUARY 6, 2022

FTC and federal intervention on non-competes may cause unnecessary hardship on companies reasonably trying to protect their assets

BLOG POST | DECEMBER 9, 2021

Non-compete agreements are enforceable – to the extent they are reasonable

BLOG POST | OCTOBER 22, 2021

Deadlines to comply with new restrictive covenant law loom in several states

BLOG POST | JULY 29, 2021

Biden's Executive Order encourages review of the use of noncompete clauses but stops short of proposing a ban

BLOG POST | JULY 9, 2021

Biden Administration targets competition

ALERT | FEBRUARY 25, 2021

Industry specific privacy laws becoming a new norm

BLOG POST | FEBRUARY 22, 2021

Washington, D.C. bans all noncompete agreements, joining list of other states with restrictive noncompete legislation

BLOG POST | AUGUST 4, 2020

Words matter: "ANY REASON" may mean "SOME REASON" in triggering a post-employment restrictive covenant

PODCAST | JANUARY 7, 2020

Non-compete agreements: Understanding the basics

BLOG POST | JULY 3, 2019

Critical updates coming to state non-compete laws

ALERT | AUGUST 16, 2018

Companies with employees in Massachusetts will be affected by non-compete agreement reform

BLOG POST | NOVEMBER 21, 2017

Aggressive state action being taken over noncompete agreements

NEWS | SEPTEMBER 5, 2017

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

BLOG POST | JULY 6, 2017

Selective enforcement defense is not available under Ohio law

BLOG POST | MAY 6, 2016

Court of Appeals interprets Michigan moldbuilders lien statute

## **Timothy J. Lowe**

BLOG POST | MARCH 22, 2016

Companies incorporate The Internet of Things at manufacturing plants, but at what risk?

ALERT | DECEMBER 15, 2015

3 questions to consider before terminating a sales representative

NEWS | SEPTEMBER 4, 2015

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

### **EXTERNAL NEWS & 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**

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SPEAKING ENGAGEMENT | MAY 4, 2023

IPLAC's Annual Trade Secrets Summit 2023

MCDONALD HOPKINS EVENT | FIFTH THIRD CENTER | MARCH 13, 2018

Protecting Business Assets 2018

### **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