



## Richard C. Landon

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### MINNEAPOLIS

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### Assistant

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### PRACTICE AREAS

Higher Education

Litigation

Franchise & Distribution

Intellectual Property Litigation

Antitrust & Trade Regulation

Appellate Practice

Shareholder Disputes

General Business & Complex  
Commercial Litigation

eDiscovery: Data, Records &  
Information Governance

Distribution

Franchise Litigation & Dispute  
Resolution

Franchise & Dealership  
Terminations

Franchise & Distribution  
Noncompete Agreements

Closely Held & Family Business

Richard Landon is a trial and appellate attorney with extensive experience in both state and federal courts. Richard has represented clients with a wide array of complex legal issues, including antitrust, distribution, and franchising, as well as shareholder disputes, fiduciary litigation, First Amendment issues, will contests, non-compete agreements, discrimination claims, and claims against higher education institutions. Before joining the firm, Richard was a judicial clerk for the Honorable Michael J. Melloy for the U.S. Court of Appeals for the Eighth Circuit, and Richard continues to focus much of his practice on appellate work and he co-leads the Lathrop GPM appellate group.

Richard's representation of manufacturers and distributors covers a variety of commercial disputes, including dealer terminations, antitrust, and other unfair competition claims. Richard also regularly helps franchisors enforce post-termination rights and defends against claims by sales representatives for unpaid commissions and wrongful termination. In addition to litigation, Richard advises clients on antitrust issues in product distribution and franchising, including advice and employee training on pricing issues and other supply practices, as well as the application of state dealership laws and franchise relationship laws.

### Representative Experience

#### *Litigation*

- Represented dealer of wireless services in tortious interference dispute against its competitor and former sub-dealer.
- Obtained \$8.5 million judgment after six-day bench trial representing agricultural supply store in dispute over failed



## INDUSTRIES

Manufacturing

Wholesale & Retail Distribution

Technology

## COURT MEMBERSHIPS

- Minnesota
- U.S. District Court District of Minnesota
- U.S. District Court for the Eastern District of Michigan
- U.S. Court of Appeals Federal Circuit
- U.S. Court of Appeals Fifth Circuit
- U.S. Court of Appeals Sixth Circuit
- U.S. Court of Appeals Seventh Circuit
- U.S. Court of Appeals Eighth Circuit
- U.S. Court of Appeals Ninth Circuit
- U.S. Court of Appeals Eleventh Circuit

## EDUCATION

University of Iowa College of Law, J.D., with high distinction, 2011

- *Iowa Law Review*, articles editor
- Order of the Coif

University of Iowa, M.A., 2007, American Studies

Macalester College, B.A., *magna cum laude*, 2003, Religious Studies

merger.

- Obtained defense verdict for railroad in three-day jury trial against contractor seeking \$1 million for breach of contract.
- Obtained dismissal for heavy equipment dealer and auction services provider against Sherman Act conspiracy claim.
- Obtained summary judgment for national equipment manufacturer on statutory wrongful termination claims brought by former dealer.
- Successfully defended national furniture manufacturer against unfair business practices and contract claims in suit by terminated dealer.
- Obtained trial verdict for public transportation contractor after two-week trial in public-bidding challenge from a losing bidder.
- Successfully defended heavy equipment distributor against price discrimination and breach of contract claims by terminated dealer.
- Represented former employees in the transportation logistics industry in two-week trial, involving allegations of trade secret misappropriation, tortious interference, and violations of the Computer Fraud and Abuse Act.
- Successfully defended heavy equipment dealer in two-day bench trial for negligent repair claim.
- Represented national restaurant franchisor in arbitration against claims of state franchise law violations.
- Represented national hotel franchisors in suits involving franchise termination and allegations of state franchise law violations.
- Represented national fitness club franchisor in arbitrations seeking damages for premature terminations by franchisees.

## ***Appellate***

- Argued before the Minnesota Supreme Court in landmark case involving the educational adequacy of segregated schools under the Minnesota Constitution. *Cruz-Guzman v. State*, A22-0118.
- Obtained affirmance from Sixth Circuit of summary judgment for agricultural distributor in dispute regarding warranties for seed, herbicide, and fertilizer. *Helena Agri-Enterprises, LLC v. AAA Turf, Inc.*, 2023 WL 4842838 (6th Cir. Apr. 21, 2023).
- Obtained affirmance from Minnesota Court of Appeals of \$8.5 million judgment and piercing of the corporate veil. *FKS Enterprises, Inc. v. Whebbe*, 2022 WL 1920600 (Minn. Ct. App. Aug 23, 2022).

- Obtained affirmance from Sixth Circuit of judgment on the pleadings for licensor in dispute regarding contractual royalties. *Whirlpool Corp. v. Equity Management, Inc.*, 2021 WL 5133177 (6th Cir. Nov. 4, 2021)
- Reversed Court of Appeals dismissal on jurisdictional grounds on behalf of plaintiffs suing the State of Minnesota for failure to provide an adequate education in Minneapolis and Saint Paul public schools, as required by the Minnesota State Constitution. *Cruz-Guzman v. State*, 916 N.W.2d 1 (Minn. 2018).
- Reversed Court of Appeals decision invalidating public procurement contract for municipal bus services. *Rochester City Lines, Co. v. City of Rochester*, 913 N.W.2d 443 (Minn. 2018).
- Obtained affirmance by the Minnesota Supreme Court of a ruling that client was not responsible for organizational conflicts of interest regarding a publicly bid governmental contract. *Rochester City Lines, Co. v. City of Rochester*, 868 N.W.2d 655 (Minn. 2016).
- Obtained affirmance of judgment on the pleadings in patent dispute by invalidating asserted patents as directed to ineligible subject matter and defend the ruling in the Federal Circuit. *Concaten, Inc. v. AmeriTrack Fleet Solutions, LLC*, 669 Fed. Appx. 571 (Fed. Cir. 2016).
- Represented corporate owner of ethanol facility in appeal regarding former minority owners' claims related to a squeeze out merger.
- Represented decedent's family members who successfully challenged estate documents as the product of undue influence.
- Represented neighborhood association in Eighth Circuit appeal challenging environmental review of public transportation project.
- Represented office products vendor in Seventh Circuit appeal of dismissed False Claims Act complaint.
- Represented agricultural farm at the Minnesota Supreme Court in challenge to assessment of unemployment insurance tax based on wages paid to temporary foreign visa workers.
- Represented Defendant challenging jurisdiction of state court to review fraudulent transfer claim outside of bankruptcy court.
- Obtained affirmance of franchisor's dismissal from putative class action regarding overpayment of sales tax.
- Represented sons against estate of their father for breach of fiduciary duty managing a trust.

## Events

- Franchise: 2023 Year in Review Webinar  
January 17, 2024
- Franchise: 2022 Year in Review Webinar  
January 12, 2023
- Franchise: 2021 Year in Review  
January 13, 2022
- Franchise Year in Review - 2020  
December 10, 2020
- “Advanced Civil Trial Practice,” faculty member, National Business Institute CLE webcast  
March 7, 2019

## Client Alerts And Blog Posts

- Minnesota Supreme Court Recognizes Common-Interest Doctrine  
October 27, 2022
- California Court Affirms Ruling that Contingent Offer to Purchase Franchise Was Not a Valid, Bona Fide Offer, Triggering Franchisor’s Right of First Refusal  
September 2, 2021
- Arizona Federal Court Grants Temporary Restraining Order for Franchisor That Terminated Franchise Agreement Without Opportunity to Cure  
July 8, 2021
- Antitrust Division’s Expedited Review of Business Conduct Related to COVID-19: What Have We Learned So Far?  
July 20, 2020
- Another Federal Court Denies, in Part, Motion to Dismiss in No-Poach Case  
January 16, 2020
- Bankruptcy Court Modifies Automatic Stay to Allow Litigation Against Former Franchisee to Proceed in Another Forum  
January 16, 2020
- Bankruptcy Court Concludes That A Franchisor’s Right To Injunctive Relief For A Covenant Not To Compete Constituted A Claim Under Bankruptcy Law  
November 7, 2019
- Litigation Update - Rules of Civil Procedure Continue to Adapt to the Realities of Electronic Discovery  
December 30, 2013

## In The News

- GPM Litigation Spotlight: October 2016  
October 26, 2016
- 40 GPM Attorneys Recognized for Pro Bono Work  
July 2, 2015
- Landon Authors Amicus Brief on Behalf of ACLU  
March 8, 2015

## News Releases

- 23 Lathrop GPM Attorneys in Minneapolis Recognized for 2022 Pro Bono Service  
June 5, 2023
- Richard Landon Recognized as 2019 Up & Coming Attorney  
July 3, 2019
- Attorneys Recognized for Pro Bono Service  
June 14, 2019
- Cruz-Guzman Team Honored with Attorneys of the Year Award  
February 18, 2019
- Gray Plant Mooty Elects New Shareholders for 2019  
January 7, 2019
- Attorneys Recognized for Pro Bono Service  
July 16, 2018
- 47 Gray Plant Mooty Attorneys Recognized as 2016 North Star Lawyers  
May 18, 2017

## Professional Affiliations

- Minnesota State Bar Association, Antitrust Section Counsel
- American Bar Association, ABA Forum on Franchising
- Hennepin County Bar Association
- Law clerk for the Honorable Michael J. Melloy, U.S. Court of Appeals for the Eighth Circuit

## Community Involvement

- Gray Plant Mooty Pro Bono Committee

- Volunteer Lawyers Network, volunteer

### Honors

- "Up & Coming Attorney," Minnesota Lawyer, 2019
- *Minnesota Lawyer*, "Attorneys of the Year," Group award for *Cruz-Guzman v. State of Minnesota*, 2018
- Minnesota State Bar Association, "North Star Lawyers," 2014, 2016-2018, 2023