MASLONLLP



JAMES J. LONG

Counsel

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OVERVIEW

Jim Long has over 40 years' experience trying cases and counseling businesses in the areas of antitrust law, franchise law, and dealer/distribution law. He has successfully represented clients in multiple state and federal courts across the country; successfully tried cases to juries in antitrust, franchise, dealer termination, and breach of contract cases; responded to state AG, DOJ, and FTC investigations; worked on numerous arbitrations; and argued appeals in the Seventh and Eighth Circuit appellate courts in addition to several state appellate courts, including the Minnesota Supreme Court.

Jim's antitrust work has included a wide variety of large cases—ranging from price fixing class-actions and group boycotts to predatory pricing claims and Section 2 attempts to monopolize claims based upon predatory hiring. He regularly counsels clients on a range of antitrust issues, including bundled rebate plans, price discrimination, other pricing practices, generalized antitrust compliance, and pre-merger notification. Jim has defended and managed DOJ antitrust investigations, FTC competition investigations, state attorney general investigations, and FTC Hart-Scott-Rodino reviews. Throughout the years, he has also represented both plaintiffs and defendants in non-compete cases and other commercial litigation matters.

Jim's practice also focuses on representing franchisors in disputes with franchisees and manufacturers in disputes with dealers, distributors, or sales representatives. He has handled cases, and counsels clients, on matters involving the Minnesota Franchise Act, Minnesota Sales Representative Act, Minnesota Heavy and Utility Equipment Manufacturers and Dealers Act, Minnesota Agricultural Equipment Dealership Act, Wisconsin Fair Dealership law, a number of state motor vehicle and power sport dealer's acts, and other industry specific dealer and distribution laws. Jim has enforced arbitration clauses in franchise, dealer, and distribution agreements.

AREAS OF PRACTICE

Litigation
- Business Litigation

BAR ADMISSIONS

Minnesota, 1988

U.S. District Court
- Minnesota, 1989
- Illinois, N.D., 1984

U.S. Court of Appeals
- Second Circuit
- Fifth Circuit
- Sixth Circuit
- Seventh Circuit
- Eighth Circuit
- Federal Circuit

EDUCATION

University of Minnesota Law School
J.D., *magna cum laude*, 1984
Honors: Order of the Coif

University of Chicago
B.A., *with honors*, 1981
Economics

SELECTED EXPERIENCE

Antitrust

- Extensive experience counseling on a wide variety of antitrust issues, including: joint ventures; exclusive dealing contracts; potential anticompetitive impact of proposed mergers and Hart-Scott-Rodino compliance; agreements between competitors affecting price; group boycotts; vertical price restraints after Leegin; a wide variety of Section 2 Sherman Act issues, including bundled rebate plans, loyalty rebates, potential predatory pricing issues, other potential predatory conduct, and risk of finding of dangerous probability of success of monopolization; antitrust compliance by trade associations; antitrust compliance policies and antitrust compliance training; and Noerr Pennington protected actions by competitors.
- Extensive experience providing antitrust counseling on Robinson Patman Act compliance issues.
- Obtained summary judgment dismissing Section 2 antitrust claims based upon an alleged sales force raiding in case venued in Federal Court, Southern District of Texas.
- Defended Section 2 Sherman Act sales force raiding case and other alleged predatory acts in case venued in Federal Court, Southern District of Florida.
- Co-tried two-week jury trial of Section 2 Sherman Act sales force raiding case, prevailing on Rule 50(b) Motion affirmed by Fifth Circuit. *Taylor v. Jostens*, 216 F.3d 465 (5th Cir. 2000).
- Represented a dental supplies distributor defendant in a series of horizontal group boycott cases, including national class actions, state AG investigations, and a 10-week FTC Administrative Part 3 hearing.
- Represented foreign manufacturer in connection with a three-year Department of Justice Antitrust Division investigation that resulted in no action by the Division.
- Represented acquired entity soft drink bottling company in FTC merger investigation that was not challenged by the FTC.

Franchise

- Obtained summary judgment on claim brought under the Minnesota Franchise Act in dispute between Pennsylvania dealer and Minnesota manufacturer of quartz countertops and then successfully tried 2½-week jury trial, defending claims of equitable recoupment and recovering payment for product sold and delivered to dealer. Successfully argued appeals affirming judgment of the District Court at the Minnesota Court of Appeals, *Cambria Co. V. M&M Creative Laminants, Inc*.,995 N.W.2d 426 (Minn.Ct.App. 426) and the Minnesota Supreme Court 11 N.W.3d 318 (Minn. 2024).
- Obtained full summary judgment on claims under the Minnesota and Wisconsin Franchise Act of selling an unregistered/undisclosed franchise based upon estoppel and summary judgment on earning claims for lack of reliance. *U-Bake Rochester, LLC et al v. Utecht Bakeries*, Civ. No. 12-1738 (ADM/SER), 2014 WL 223439.
- Obtained summary judgment on claims under the Minnesota and Wisconsin Franchise Acts on statute of limitations grounds on action in Scott County.
- Obtained summary judgment on vast majority of claims brought by former franchisee, including earnings claims, fraud claims, RICO claims arising out of franchise relationship. *Physicians Weight Loss Centers of America v. Creighton*, 1992 WL 176992. Bus. Franchise Guide (CCH) 9980.
- Defeated claims by three largest regional franchisors that franchisor materially breached franchise agreement by losing trademark protection of franchise name. *Convenient Foods Mart Inc. v. C.F. Mrts of California, Inc.*, 1990 WL 115797, Bus Franchise Guide (CCH) 9599.
- Numerous arbitrations on a variety of claims of violations of the Minnesota Franchise Act.
- Enforced a post-term franchise non-compete against former franchisee who left for a competing system. *Economou v. Physicians Weight Loss Centers of America*, 756 F. Supp. 1026.

Dealer/Distribution

- Regularly counseled worldwide manufacturer of recreational vehicles regarding compliance with motor and recreational vehicle dealer laws throughout the United States.
- Successfully brought action under Minn. Stat. § 80E.14 that prevented addition of automobile dealership within client's relevant market area.
- Extensive experience counseling and handling claims as lead counsel for manufacturer under the Minnesota Heavy Utility Equipment Dealers Act. Lead counsel for manufacturer in *Midwest Great Dane Trailers Inc. v. Great Dane Ltd. Partnership*, 977 F. Supp 1386.
- Extensive experience under the Minnesota Sales Representative Act and the Wisconsin Fair Dealership Law (WFDL).
- Successfully represented manufacturer against dealer in India who alleged wrongful termination of dealer agreement. Successfully enforced United State arbitration clause, and obtained arbitration judgment against dealer on dealer's claims and on affirmative claims for past due amounts under dealer agreement.
- Co-tried one-week arbitration defending wrongful termination claims for largest dealer of luxury yacht manufacturer, resulting in complete defense judgment.
- Successfully defended claims of wrongful termination by Mexican distributor.
- Successfully enforced binding arbitration clause as to dealer termination claims brought in Puerto Rico under the Puerto Rico Dealer Act.
- Won arbitration judgment dismissing wrongful termination and business tort claims by a German dealer of client boat manufacturer.

Litigation

- Defended breach of contract action arising out of a $42 million contract for national identity project.
- Prosecuted tortious interference counterclaim against competitor based upon alleged bribery involving Nigerian Identity Card Project and obtained sanctions for discovery violations of a jury instruction requiring jury to take as true client's factual claim.
- Obtained summary judgment and argued appeal in which the judgment was affirmed by the 7th Circuit, dismissing all trade secret claims against defendant. *Confold Pacific v. Polaris Inc.*, 433 F.3d 952.
- Represented major food company in damages phase of insurance coverage dispute with insurer related to underlying event of grain supply tainted with pesticide. Two-month jury trial, resulting in $29 million verdict in favor of client.
- Defended non-compete action in which plaintiff sought injunction preventing continued employment by competitor through enforcement of non-compete clause contained in employment agreement. *Ecolab, Inc. v. Gartland*, 537 N.W.3d 291.
- Won $300,000 jury verdict on wrongful termination claim following two-week jury trial in the Northern District of Illinois.
- Extensive experience enforcing arbitration clauses and successfully arguing FAA preemption of state statutes restricting arbitration.
- Obtained writ of habeas corpus vacating capital murder conviction after 12 years of representation. *Draughon v. Dretke*, 427 F.3d 286.
- Obtained summary judgment on all claims involving allegations of wrongly publishing picture in yearbook, including claims alleged under the New Jersey anti-pornography statute.

LEADERSHIP & COMMUNITY

- University of Minnesota Law School: Adjunct Professor, Antitrust Law Class 2023-Present; Franchise Law Seminar 2026
- Legal Services Advisory Committee (Established by the Minnesota Supreme Court): 2021-2025
- Minnesota Supreme Court: Standing Committee, Legal Paraprofessional Pilot Project 2020-2024
- Mitchell Hamline School of Law: Adjunct Professor, Antitrust Law, 2021

- Hamline University School of Law: Adjunct Professor, Franchise Law 1999 and 2005
- American Bar Association: Section of Antitrust; Forum on Franchising
- Minnesota State Bar Association: Access to Justice Committee Policy Subcommittee, Chair; Antitrust Law Section, Council Chair 2019-2020, Council Vice Chair 2018-2019, Secretary 2017-2018; Legal Assistance to the Disadvantaged Committee 2010-2018; Assembly Member 2023-2026
- Children's Law Center of Minnesota: Volunteer Attorney
- Hennepin County Mediation Project: Volunteer Mediator
- Volunteer Lawyers Network: Benefactors Board 2013-2019
- St. Paul Festival and Heritage Foundation: Board Member, Legal Counsel, and Secretary 1999-2002
- St. Paul Jaycees Charitable Foundation: Trustee
- St. Paul Area Jaycees: Former President 1993-1994

SELECTED HONORS

- **Minnesota Law Review Distinguished Alumnus Award,** 2026
- **Recognized on Minnesota Super Lawyers® list**, 2005-2008; 2014-2026 (Minnesota Super Lawyers® is a designation given to only 5% of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.)
- **Selected for inclusion in *The Best Lawyers in America*®**, 2013-2027
- **Pro Bono All Star**, Minnesota State Bar Association, 2020 (*Pro Bono All Star is a designation that recognizes MSBA members who have been recognized as North Star Lawyers for seven or more years.*)
- **North Star Lawyer**, Minnesota State Bar Association, 2012-2025 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)
- **Recognized as a Top Lawyer**, *Minnesota Monthly*, 2022-2023, 2026 (The research for the Top Lawyers list, created by Professional Research Services, is based on an online peer-review survey sent to all attorneys in Minnesota.)
- **2016 Pro Bono Publico Distinguished Service Award**, Hennepin County Bar Association

SELECTED PRESENTATIONS

- "For Attorneys Advising on IP Matters – 20 'Crossover'" Practice Tips on Advertising, Antitrust, Data Privacy & Cybersecurity Law," panelist, Minnesota CLE
- "Annual Meeting & CLE: Understanding State Enforcement," panelist, Minnesota State Bar Association Antitrust Law Section, 2026
- "Antitrust Fundamentals," moderator, Minnesota State Bar Association, 2024
- "Looking Beyond Lawyers to Close the Justice Gap," panelist, Legal Services Corporation Forum on Increasing Access to Justice, 2024
- "Antitrust Fundamentals," moderator, Minnesota State Bar Association, 2022
- "For In-House Attorneys Advising on IP Matters – 20 'Crossover' Practice Tips on Antitrust, Privacy, Bankruptcy, and Advertising Law," co-presenter, 2021 Midwest IP Institute, Minnesota CLE, 2021
- Maslon Attorneys to Present at the Virtual 2021 Midwest IP Institute for Minnesota CLE
- "20 ‘Crossover' Practice Tips on Antitrust, Privacy, Bankruptcy, and Privacy Law," 2019 Midwest IP Institute, Minnesota CLE, 2019
- "Bundled Pricing and Loyalty Discounts," Strafford Webinars and Publications, June 2014, July 2017
- "Bundled Discounts and Antitrust Compliance," Strafford Webinars and Publications, August 2012
- "Documents Made Easy: Business Franchise Agreement," Minnesota CLE, August 2012

SELECTED PUBLICATIONS

- "The Minnesota Franchise Act Construed: The Minnesota Supreme Court Addresses the Bona Fide Wholesale Price Exception to the Definition of a Franchise and Clarifies the Act's Jurisdictional Reach," American Bar Association *Franchise Law Journal*, 2025
- "Legal Paraprofessionals Pilot Project: Exploring the Proposed Permanent Addition of Rule 12 to Supervised Practice Rules," *Hennepin Lawyer*, Hennepin County Bar Association, 2024
- "Equitable Recoupment: A Limited Remedy for Dealer or Franchise Terminations When Statutory Protection Is Absent," American Bar Association *Franchise Law Journal*, 2022
- "Statutory Constraints on Substantial Change to Competitive Circumstances of Dealers Creates Substantial Confusion for Compliance," American Bar Association *Franchise Law Journal*, Winter 2015
- "Citing Acts of Plaintiffs' Counsel, Court Rejects Rescission Claim," *The Franchise Lawyer*, Spring 2014