



Michael G. Latiff

Member; Board of Directors

Detroit

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Practice Focus

- Business litigation
- Construction
- Construction litigation
- Financial services
- OSHA appeals and workplace safety
- Trade secret, non-compete and unfair competition
- Products liability and mass tort

Michael serves as co-chair of the firm's Business Litigation Practice and on the firm's Board of Directors.

Michael has extensive experience as lead counsel in the litigation of significant commercial, business, construction, trade secret/non-compete, real property, OSHA/MIOSHA, professional liability, products liability/recall, and automotive indirect supply chain disputes. He has tried several jury and non-jury trials in state and federal courts. In addition, he has represented clients in many arbitration disputes.

His business litigation experience includes handling the defense of privately held corporations in shareholder and oppression disputes, as well as the defense of Director and Officer claims against individual board members or officers.

Further litigation experience includes product liability, toxic tort and environmental litigation. Michael has handled the defense of product liability matters relating to personal, property damage and recall claims for a varied group of manufacturing operations in the automotive (plastic injection molding, presses, and rigging), aerospace, and medical device industries. He has also defended Fortune 500 companies relating to toxic tort claims including lawsuits asserting cancer caused by exposure to Benzene and Ethylene Oxide.

Additionally, Michael has represented the largest construction and road builder industry association in Michigan for over 15 years. He has assisted its members with the appeal of Willful and Serious OSHA citations, typically involving serious injuries or deaths. He has tried several of these matters in the Administrative tribunals with great success.

He has also represented legal professionals defending against claims of malpractice and/or breach of fiduciary duties.

Michael served as lead trial counsel in an E-discovery abuse case in which he obtained a Default, Sanction, and Summary Judgment Opinion in the U.S. District Court, Eastern District of Michigan. This was one of the first opinions and orders of its kind in the U.S. since the modification of discovery rules. His expertise also includes significant specialized knowledge defending construction clients who have been cited for multiple penalties and large fines by the Michigan Occupational Safety and Health Administration (MIOSHA). He is a frequent author on the legal issues related to workplace safety practices.

Michael earned a J.D., cum laude, from the University of Detroit Mercy School of Law in 1994. He received a B.A. from the University of Michigan in 1991.

Representative Cases/Matters

- *Operating Engineers Local 324/Dept. of Labor v Fifth Third Bank*: Successfully defended Fifth Third Bank against claims that it had improperly sold a large commercial building in downtown Detroit while acting as a Qualified Professional Asset Manager for the OE 324's Pension Fund. U.S. Eastern District of Michigan, Case # 07-14726.
- Coordinated the resolution of multiple Willful violations, involving multiple projects and work sites resulting in hundreds of thousands of dollars of savings and the avoidance of any Willful violations for a large Michigan based construction client.
- *Lupke Rice v Maxitrol*: Obtained a reversal and dismissal of all claims from the Indiana Court of Appeals on behalf of Maxitrol from claims that it has failed to pay for insurance coverage and audits. March 26, 2010.
- *Saginaw Properties inc. v Retail Ventures Inc.*: Summary Disposition of all claims asserted against RVI where in Landlord was alleging \$7M as a result of a breach of a lease and guarantee agreement on a theory of successor liability. U.S. Eastern District of Michigan, Case # 08-13782. Order Granting Retail Ventures Motion for Summary Judgment, Denying Plaintiff, Saginaw Property's Motion for Summary Judgment as to Liability, and Dismissing Plaintiff's Claims Against Retail Ventures With Prejudice dated 10/30/09.
- *PML North America v ACG Enterprises*: Obtained Summary Judgment, Default Judgment and Sanctions against Defendant for fraud and electronic discovery abuses in one of the first decisions by any Federal Court after the enactment of the new Court Rules dealing with electronic discovery. U.S. Eastern District of Michigan, Case # 05-CV-70404-DT.
- *Logistics/Supply Chain*: Assisted Global supply chain client in defending claims asserted by customer relating to a failed MRO program. The issues involved on-time delivery, proofs of delivery, electronic ordering, receipt of goods, sequencing, and assembly. Separately, successfully assisted provider of MRO goods in pursuing claims against vendor for failure to pay for logistics services and defended counter-claims relating to product delivery.
- *Shareholder Dispute/Derivative Claims*: Successfully defended claims against corporate client by minority shareholder relating to assertions of mismanagement, over compensation and breaches of fiduciary duty.
- Successfully represented a publicly traded national media company in restrictive covenant and trade secret claims against key personnel and media personalities for prohibited activity and for the enforcement of contractual and statutory obligations.
- Representation of numerous companies in varied industries to protect trade secrets and proprietary information.
- Successfully defended and resolved a recall claim by a Tier 1 supplier against a Tier 2 manufacture in the aerospace industry relating to safety critical parts in a commercial airline seat assembly application.

Admissions - Court

- U.S. Court of Appeals for the 6th Circuit
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan

- U.S. District Court for the Northern District of Ohio

Admissions - State

- Michigan

Education

- University of Detroit Mercy School of Law
- University of Michigan

Honors and Awards

- *Michigan Super Lawyers*, Business Litigation (2010-2019)
- Named one of the *Best Lawyers in America* (2013-2020)

Professional Membership

- American Bankruptcy Institute
- State Bar of Michigan
- Macomb County Bar Association
- American Inns of Court – former Barrister

Alerts

- OSHA stepping up enforcement of silica in construction standard
- OSHA increases excavation and trenching enforcement

Blog Posts

- OSHA's new injury and illness reporting requirements
- OSHA Targets Oil and Gas Industry for SVEP "Blacklist"
- OSHA finalizes new injury reporting requirement
- OSHA discussing requirement to submit Corporate-Wide Injury Reporting
- OSHA Clarifies Responsibility of Temporary Staffing Agencies and Primary Employers to Train Temporary Workers
- OSHA citation upheld by Sixth Circuit Court without actual employee "exposure" to harm

News

- Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018
- 39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017
- Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016
- Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars

External Publications

- "The Evolving Multi-Employer Work Site Doctrine: General Contractors Beware," *Cross Section*, Fall 2006
- "Obtaining Unredacted Witness Statements in Contested Cases Prepared by the MIOSHA Investigator," *Spreadsheet*, Spring 2003

Events

- Construction Breakfast Briefing | Thursday, February 23, 2017
- Handling Regulators at Your Facility from a Legal Perspective - 2016 MPG EHS Conference | Tuesday, March 8, 2016
- When OSHA knocks on your door will you be ready? | Wednesday, April 17, 2013

Speaking Engagements

- "Handling Regulators at Your Facility from a Legal Perspective," MPG EHS Conference, March 8, 2016
- "Product Safety, Liability and Recall Seminar," The Toledo Club, October 14, 2014
- "Product Safety, Liability and Recall Seminar," The Union League Club of Chicago, October 13, 2014
- "Understanding OSHA—Preparing For and Dealing With Inspections," Federation of Women Contractors Luncheon, February 27, 2014
- 2009 Michigan Infrastructure Transportation Association ("MITA") Superconference: Reasonable Suspicion of Drugs and Alcohol in the Workplace