

Partner Marc Gross Saves BP Gas Stations From Termination

September 23, 2011

Marc J. Gross, Esq., an attorney at the Roseland, N.J. law firm of Greenbaum, Rowe, Smith & Davis LLP, obtained a significant ruling from a federal Judge on Wednesday, September 14, 2011, precluding BP Products North America from terminating all of its New Jersey franchises.

Gross filed suit on behalf of the Franchises on October 7, 2009 in *Alboyacian, et als. v. BP Products North America, Inc.*, Civil Action No. 2:09-cv-05143. The lawsuit arose after BP announced that it would not renew its franchise agreements with a group of New Jersey service station operators when their contract terms ended. Faced with the loss of their livelihoods, the station owners banded together, hired Gross and filed suit against BP, asserting that New Jersey law obligates BP to maintain the franchise relationships so long as the station owners complied with the terms of their agreements. On September 14, 2011, the U.S. District Court agreed and ruled in a landmark decision that Gross' clients had an absolute right to renew their agreements.

In what appears to be a case of first impression, United States District Judge William J. Martini granted summary judgment to the station owners, confirming that New Jersey law protects franchisees from termination by way of non-renewal. The Court rejected BP's argument that it need not renew the agreements because they did not expressly provide for renewal. The case will have a far reaching impact on all franchise owners. In fact, Judge Martini's decision firmly establishes that absent a prior breach by a franchise owner, every New Jersey franchisee is entitled to a renewal of their franchise agreement, as a matter of law.

Gross was assisted on the matter by colleagues at the Firm, **Richard L. Hertzberg, Esq.** and **Christine F. Marks, Esq.**

Mr. Gross has developed a statewide reputation as an accomplished litigator, having appeared in significant matters in the Federal Courts throughout New Jersey and New York and in the Superior Courts of New Jersey in nearly every county. He was the president of the Essex County Bar Association for the 2007-8 term, is Chairman of the Federal Practice Section of the NJ State Bar Association and is selected for inclusion in *Super Lawyers - New Jersey Edition* in the Business Litigation category since 2006, and in *Super Lawyers - Corporate Counsel Edition* as among the top business litigation attorneys in the nation.

The firm has over 100 attorneys in four main practice departments: Litigation; Real Estate; Corporate; and Tax, Trusts and Estates, and 19 practice areas offering complete legal services. The firm has offices located in Woodbridge and Roseland, New Jersey. For more information, call Erin P. Faltin at 732-549-5600 or visit the firm's web site at www.greenbaumlaw.com.

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