

Attorney Marc J. Gross, Esq. Awarded Fees in Saving BP Gas Stations From Termination

March 12, 2013

Marc J. Gross, a partner in the Roseland, N.J. office of law firm Greenbaum, Rowe, Smith & Davis LLP, has obtained a significant ruling from a Federal Judge in Newark, who awarded attorneys' fees and costs following the firm's success in preventing BP Products North America from terminating all of its New Jersey franchises.

Mr. 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 its New Jersey service station operators when their contract terms ended. Faced with the loss of their livelihoods, the station owners banded together and filed suit against BP, asserting that New Jersey law obligates BP to maintain the franchise relationships so long as the station owners are in compliance with the terms of their agreements. The U.S. District Court in Newark agreed and ruled that the owners had an absolute right to renew their agreements.

On February 27, 2013, the Court also determined that the service station owners were entitled to an award of attorneys' fees and costs. In fact, the Court entered a judgment against BP for attorneys' fees and costs in an amount of \$92,277.29.

The case will have a far reaching impact on all franchise owners, as the Court'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. Moreover, the case underscores the ability of franchisees to obtain reimbursement of their attorneys' fees in a successful defense of such termination actions.

Mr. Gross was assisted on the matter by Greenbaum litigation Partner **Richard L. Hertzberg** and Counsel **Christine F. Marks**.

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