



## DAVID A. JERMANN, II

### PARTNER

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David Jermann is the co-chair of the firm's Franchising and Distribution practice area. An experienced attorney, David represents and counsels businesses in a wide range of legal matters, including litigation risk-avoidance/mitigation strategies, interpretation and enforcement of employment agreements, and contract negotiation/formation issues. He has successfully represented businesses in litigation and arbitration in jurisdictions across the country, including suits involving franchising, restrictive covenants, trademark infringement, trade secret theft and consumer class actions.

### Franchise

His work involves all aspects of case management and trial, arbitration and mediation, including: lead trial counsel, management of large-scale e-discovery, taking/defending depositions, drafting trial and appellate briefs. He also counsels clients on matters relating to franchising and state/federal regulatory compliance matters. An active member of the firm's hiring and conflicts/ethics committees, David has been selected to train and mentor junior attorneys. During his career, David has counseled and represented franchisors and franchisees on a wide array of issues and cases. He has successfully litigated franchise disputes in numerous states, including suits involving breaches of franchise and distribution agreements, franchise terminations, and violations of franchise disclosure, relationship and business opportunity laws.

David also counsels franchisors and franchisees regarding franchise agreements and disclosure documents. Notably, David spearheaded a comprehensive review of three-decades of franchise agreements for a multi-brand, Fortune 500 franchisor, this allowed David to advise the client about risks associated with proposed unilateral revisions to its franchise agreements.

### Litigation

David is a seasoned litigator with experience in all phases of litigation and arbitration. He has successfully handled matters for his clients ranging from trade secret and breach of contract matters to multimillion-dollar class action lawsuits and appeals.

### General Corporate

In addition to his litigation background, David has substantial experience counseling business clients on transactional matters, with an emphasis on restrictive covenant policies. He has also counseled clients on state and federal regulatory matters, including issues arising under the Federal Trade Commission's "Franchise Act," state consumer protection/unfair practices acts, and HIPAA.

### SERVICES AND INDUSTRIES

Franchising and Distribution  
Litigation  
Noncompete and Trade  
Secrets  
Class Action Litigation  
Fire and Electrical Liability  
Litigation  
Antitrust and Trade Practices  
Consumer Products and  
Services

### ADMISSIONS

Kansas  
Missouri  
U.S. District Court, Western  
District of Missouri  
U.S. District Court, District of  
Kansas

## **EDUCATION**

- George Washington University Law School (J.D., 1999)
- University of Kansas (B.A., 1996)
  - Phi Beta Kappa

## **PROFESSIONAL ACTIVITIES**

- The Missouri Bar
- Kansas Bar Association
- Kansas City Metropolitan Bar Association
- Johnson County Bar Association (Community Outreach Committee)
- Defense Research Institute (DRI)