

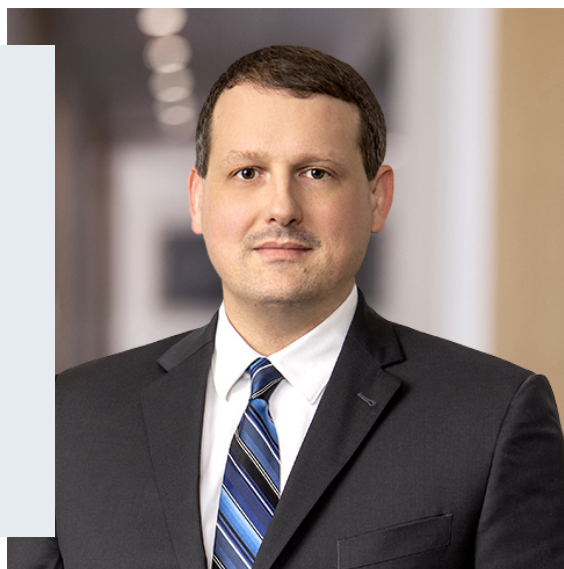
Nicholas J. Ellis

Partner

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Nicholas Ellis is a commercial litigator and supply chain attorney. His practice is focused on commercial contracting and disputes in manufacturing and supply chains. He is a partner in the firm's Business Litigation & Dispute Resolution Practice and a member of the Automotive Industry Team.

Nicholas has experience litigating disputes in state and federal courts on a wide range of matters, including warranty claims, breach of contract, tortious interference, misappropriation of trade secrets, breach of non-compete agreements, and other complex commercial disputes. He regularly litigates disputes in various arbitration forums, including the American Arbitration Association (AAA), the International Center for Dispute Resolution (ICDR), JAMS, and the Swiss Chambers' Arbitration Institution (SCAI).

In addition to his work as a litigator, Nicholas also routinely counsels clients on a variety of commercial contract issues, including pricing and stop shipment disputes, the Uniform Commercial Code (UCC), and warranty claims.

Representative Experience

- Litigating warranty disputes at all levels of the automotive supply chain, including defending Tier 1 suppliers against claims for hundreds of millions of dollars by their OEM customer.
- Counseling clients in connection with high-stakes commercial disputes including pricing disputes, tooling recovery, and "stop shipment" threats.
- Counseling clients in connection with commercial supply chain agreements, including:
 - Supply agreements.
 - Terms and conditions between suppliers and customers.
 - Confidentiality and nondisclosure agreements.
 - Warranty share agreements.
- Managing financially troubled suppliers.

- Litigating claims for misappropriation of trade secrets and breach of contractual confidentiality provisions.
- Advising a major automotive parts supplier in connection with analysis regarding strategic changes and investments needed to adapt business as market transitions to autonomous and electric vehicles.
- Counseling a mobility company regarding its supply chain contracts.
- Due diligence for supply chain contracts in connection with acquisition of a major automotive supplier.
- Defending an automotive supplier against claims for consignee liability by a shipping company seeking to recover millions of dollars of expedited shipping costs incurred by a failed sub-supplier.
- Defeating efforts to obtain injunctive relief that would otherwise have required the client to relinquish a multi-million dollar setoff taken against a financially troubled supplier.

Awards and Recognition

- JD Supra Readers' Choice Awards, Transportation category (2024)

Affiliations

- Member, Michigan Bar Association
- Member, Federal Bar Association

Presentations and Publications

- "Navigating Key Issues and Concerns for EV Supply Chain Contracts," Society of Automotive Analysts, March 2023.
- "Practical Contract Law for Sales and Procurement," training provided to Tier 1 automotive supplier, April 2020, January 2020.
- "Expect the Unexpected: Approaching Raw Material Shortages, Labor Issues, and Delays in 2022," ACC-Michigan Legal Trends for In-House Counsel, February 2022.
- "Contractual Risk Transfer in Supply Agreements Through Strategic Drafting of Key Provisions," American Bar Association, February 2020.
- "Panel Discussion: Legal Safeguards (and Potential Pitfalls) in Joint Development Relationships," ACC-Michigan Forecasting Top Legal Issues Facing In-House Counsel in 2020, November 2019.
- "Contract Law 'Boot Camp' On Site Training," training provided to health care company, June 2019.
- "Legal Safeguards Within Technology and Open Innovation," Original Equipment Suppliers Association (OESA), May 2019.
- "Key Legal Issues and best Practices for Supply Chain Management," training provided to Tier 1 automotive suppliers, December 2018, August 2018.
- "Best Practices for Drafting Supply Chain Contracts," ACC-Michigan Legal Trends for In-House Counsel, November 2018.
- "Contractual Strategies for Navigating Volatile Commodities Markets and Government Regulations," Original Equipment Suppliers Association (OESA), August 2018.
- "Mitigating the Risks of Commercial Litigation," 26th Annual Law of Product Distribution & Franchise Seminar: Gearing Up For Growth, May 2017.

- “Expect the Unexpected: Approaching Raw Material Shortages, Labor Issues, and Delays in 2022,” *2022 Automotive White Paper*.
- “Supplier Alert: Key Changes in Stellantis/FCA New Terms and Conditions,” *Dashboard Insights*, May 2022.
- “Managing the Commercial Impact of the Coronavirus Outbreak: Force Majeure Declarations,” *Dashboard Insights*, January 2020.
- “Managing Supply Chain Risk: Best Practices to Avoid Liability for Your Supplier’s Freight Costs,” *Michigan Bar Journal*, October 2019.
- “How Automotive/Technology Partnerships Can Succeed,” *WardsAuto*, August 2019.
- “Financially Troubled Suppliers – Who They Are and How to Identify Them,” *Manufacturing Industry Advisor*, July 24, 2019.
- “Strategies for Protecting Against Vendor Payment Fraud,” *Manufacturing Industry Advisor*, October 2018.
- “Raw Material and Commodity Purchasing – Key Concerns for Manufacturers,” *Manufacturing Industry Advisor*, September 2018.
- “Re-Thinking Supply Chain Contracts in the World of Connected Things,” *Manufacturing Industry Advisor*, February 2018.
- “Best Practices for Drafting Supply Chain Contracts,” *Michigan Bar Journal*, October 2017.
- “Warranty Dispute Litigation: Five Critical Issues,” *Michigan Bar Journal*, January 2017.
- “Weathering the (Winter) Storm,” *Manufacturing Industry Advisor*, March 2016.
- “Lessons That Manufacturers Can Learn From Automotive Recall Issues,” *Manufacturing Industry Advisor*, September 2015.
- “Buying Someone Else’s Headache – Top Five Supply Chain Pitfalls to Consider When Expanding Through Acquisition,” *Manufacturing Industry Advisor*, April 2015.
- “Class Action Lawsuits – Risks and Mitigation Strategies for Component Manufacturers,” *Manufacturing Industry Advisor*, January 2015.
- “Tug-Of War: Attorney-Client Privilege vs. Deposition,” *Law360*, October 2014.
- “Protecting Competitive Business Interests Through Non-Compete Clauses,” *The Michigan Business Law Journal*, Summer 2010.

Sectors

- [Automotive](#)
- [International Trade & National Security](#)
- [Manufacturing](#)
- [Smart Manufacturing](#)
- [Supply Chain](#)

Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [Litigation](#)



FOLEY & LARDNER LLP

Education

- University of Michigan Law School (J.D., cum laude, 2009)
- Michigan State University (B.A., with honors, 2006)
 - Political Science
 - Criminal Justice

Admissions

- Michigan state and federal courts