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Areas of Law

Employment
Franchise and Distribution Litigation

Bar Admissions

Minnesota, 2010

Education

University of Minnesota Law School
Minneapolis, MN; 2010

J.D., *magna cum laude*

- Managing Editor,
Minnesota Law Review

University of Minnesota
Minneapolis, MN; 2007 B.A.

Honors

Legal Eagle, Top Franchise Lawyers
in the U.S. and Canada,
Franchise Times, 2021

Rising Star®,
Super Lawyers magazine,
2016-present

Professional Associations & Memberships

American Bar Association
Minnesota State Bar Association
Hennepin County Bar Association
Defense Research Institute
Minnesota Defense Lawyers
Association

R. Henry Pfutzenreuter

R. Henry Pfutzenreuter represents clients in litigation, with a focus on franchise and distribution, employment, and commercial disputes. His clients include a broad range of businesses, from startups and closely held corporations to international franchises and publicly traded companies. Henry approaches disputes with a balance of pragmatism and zeal that maximizes his clients' business objectives and minimizes the burden of litigation. He is adept at using the latest litigation technology to thoroughly review the evidence, present his clients' positions effectively to the court, and obtain the most efficient results possible.

Representative Experience:

Henry prides himself on the variety of litigation matters with which he is able to assist his clients, including contractual disputes, sales under Article 2 of the Uniform Commercial Code, insurance claims, shareholder disputes, enforcement of noncompete agreements, business torts such as tortious interference, misrepresentation, and defamation, as well as trade secret misappropriation and intellectual property infringement. He also has experience litigating a variety of employment disputes, including wrongful discharge, discrimination, retaliation, whistleblower, and wage and hour claims.

Franchise and Distribution Litigation

- **Sales Misrepresentation Claims.** Henry defended a national franchisor from its former franchisee's claims alleging that it misrepresented the financial performance of the franchise opportunity, resulting in an arbitrator awarding nothing to the franchisee.
- **Breach of Contract and Support Claims.** Henry represented a national franchisor in litigation brought by a group of franchisees alleging damages in excess of 7 million dollars for breach of contract in connection with the operation of the franchise, including by compelling the franchisees to bring their claims separately in arbitration.
- **Franchise and Dealership Agreement Terminations.** Henry advises franchisors, manufacturers, and suppliers in issuing notices of default and termination to franchisees and dealers who have breached their agreements and defends claims of wrongful termination and unfair practices under state laws governing franchise relationships.
- **Noncompete Agreements.** Henry is regularly involved in enforcing franchise agreements' noncompete terms against current and former franchisees who attempt to take the knowledge and experience gained from franchisors and use it to operate their own competing businesses, both domestically and abroad.
- **Trademark Infringement.** Henry brought suit against a business that was knowingly and willfully using a franchisor's trademarks to market its own services.

R. Henry Pfutzenreuter

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Employment Litigation

- **Discrimination Claims.** Defends employers from claims under Title VII of the Civil Rights Act, the Family and Medical Leave Act, the Americans with Disabilities Act, the Age Discrimination Act, and the Minnesota Human Rights Act.
- **Noncompete and Confidentiality Claims.** Has enforced noncompete and confidentiality agreements against employees who attempt to leave their job to work for competitors and take customer lists, trade secrets, and other proprietary information with them.
- **Government Complaints and Investigations.** Counsels employers in responding to investigations and complaints filed with state and federal employment discrimination agencies like the Minnesota Department of Human Rights and the U.S. Equal Employment Opportunity Commission.

Commercial Litigation

- **Software Disputes.** Henry represents developers, distributors, and purchasers of software in breach of contract, warranty, and misrepresentation claims involving both software products and services for implementation, support, maintenance, and custom development.
- **License Disputes.** Henry obtained an arbitration award protecting a software company's perpetual license to distribute the programming language used to develop its \$2 million per year product line.
- **Breach of Warranty Claims.** Henry represented a California lighting manufacturer in breach of warranty and fraud claims against a Fortune 500 manufacturer and distributor of LEDs.
- **Commercial Real Estate Transactions.** Henry successfully opposed a reluctant buyer's motion to enjoin the termination of a purchase agreement for the Rand Tower in downtown Minneapolis, forcing the buyer to close at the agreed-upon purchase price of 18.65 million dollars.
- **Copyright Infringement.** Henry defended a start-up online service provider from claims of copyright infringement by a well-established national competitor.