



Brandon M. H. Schumacher

Associate

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Brandon is one of the firm's one-stop-shop litigators who represents individuals, companies, financial institutions, and municipalities in varying matters. There is no case too large or too small for Brandon. Whether it is a dispute less than \$25,000 in value; defending class actions; navigating complex, bet-the-company litigation; or following a judgment debtor into bankruptcy, Brandon has handled all types of cases ranging from simple residential/commercial landlord-tenant proceedings to multi-million dollar commercial or business disputes. Brandon often takes cases through all stages of the litigation process in both the state and federal court systems, including trial and appeals. He also frequently handles disputes before and against state and federal administrative agencies. He works diligently to achieve results that align with his client's objectives.

Brandon's legal practice is diverse. He has assisted clients in many types of disputes, with the most common being:

- **Business and Commercial:** contract disputes; uniform commercial code matters; non-compete and non-solicitation litigation; business governance and ownership disputes; and business torts.
- **Construction:** Licensure disputes; construction lien act claims; Builders Trust Fund Act actions; workmanship and warranty disputes; contract disputes relating to owners, general contractors, subcontractors, and suppliers; bidding and bonding in public projects; public procurement law; and the Michigan Condominium Act, including co-owner, HOA, and developer disputes.
- **Land Use:** First Amendment actions, including billboard and advertising law; Right-to-Farm Act matters; rezoning; appellate practice for zoning decisions; special land use, planned development, and variance litigation; and public utilities law.

PRACTICE AREAS

Administrative Law
Agri-Business
Appellate Practice
Bankruptcy & Restructuring
Business & Commercial Litigation
Cannabis Law
Collections / Creditor - Debtor Rights
Commercial Litigation
Construction Law
Employment Litigation
General & Commercial Litigation
Real Estate Law
Transportation Law
Zoning & Land Use

EDUCATION

Michigan State University College of Law, J.D., 2018, *summa cum laude*
Aquinas College, B.A., Political Science and Mathematics, 2015, *cum laude*

BAR AND COURT ADMISSIONS

Michigan
U.S. District Court for the Eastern District of Michigan
U.S. District Court for the Western District of Michigan

- **Bankruptcy, Creditor Rights and Receiverships:** Avoidance actions, including fraudulent transfer, preference, and post-petition transfer matters; non-dischargeability litigation; representation of Chapter 7 Trustees; and representation of creditors in Chapter 7 and 11 cases. Assists in aspects of receivership proceedings.
- **Real Estate:** Purchase agreement disputes; warranty and title insurance claims; quiet title actions; easement and restrictive covenant litigation; adverse possession and nuisance actions.
- **Administrative:** Regulatory and compliance; representation before state and federal administrative agencies, including declaratory judgments, investigations, and licensing disputes.
- **Transportation:** Cargo claim litigation against motor carriers and transportation brokers.
- **General:** Personal injury defense; defamation claims; and personal property disputes.

Growing up in Michigan's Thumb (Huron County), a predominantly agricultural community, Brandon learned the value of a long day's work and the necessity of taking pride in his work. He put those skills into practice and achieved the rank of Eagle Scout while in high school. Brandon continues to apply the life lessons and skills of his upbringing on a daily basis, often starting his day well before sunrise to work on client matters.

Brandon attended Michigan State University's College of Law for his legal education where he was a member of the King Scholar Honors Program and graduated in the top four percent of his class. He learned the inner workings of the court system while in law school by serving as a law clerk in the Michigan 29th Judicial Circuit Court, as an extern to the United States Bankruptcy Court for the Western District of Michigan, and as an intern for the Federal Public Defender for the Western District of Michigan.

REPRESENTATIVE MATTERS

Below are some highlights of Brandon's litigation successes:

HONORS & RECOGNITIONS

'Go To Lawyer' in Construction Law, Michigan Lawyers Weekly, 2023

Michigan Super Lawyers "Rising Star," Business Litigation, 2023

Volunteer Award Recipient, Michigan Defense Trial Counsel, 2022

- In a unanimous opinion issued April 13, 2023, the Michigan Court of Appeals held in favor of the City of East Lansing in a class-action lawsuit related to electric franchise fees. *Heos v City of East Lansing*, Court of Appeals Case Nos. 361105, 361138. The Court of Appeals reversed earlier decisions of the Ingham County Circuit Court, which had granted summary disposition to plaintiff James Heos and other similarly situated Board of Water and Light customers. The Court of Appeals directed the circuit court to instead enter summary disposition in favor of the City on remand.
In reaching this decision, the Court of Appeals held that plaintiff's claim under the Headlee Amendment to the Michigan Constitution and his similar equitable claims were untimely because they were not filed within one year after the franchise ordinance was adopted. The Court of Appeals further held that plaintiff could not bring an action under the 1905 Foote Act because the Foote Act only applies to electric utility providers, not electric customers. Consequently, the City was entitled to dismissal of all of plaintiff's claims. The opinion is available online here:
https://www.courts.michigan.gov/497287/siteassets/case-documents/uploads/opinions/final/coa/20230413_c36110
- Successfully advocated for a \$20 million judgement to be overturned against a client in which the client was sued by a lender after an apartment complex construction went overbudget and the client guaranteed to cover completion costs above and beyond the original budget. Despite recouping the guaranty amount through foreclosure, the company still sued but because the lawsuit amounted to impermissible double recovery, the judgment was reversed in favor of the client.
- Defended the County of Muskegon in a multi-million dollar breach of contract case filed against the County by a former IT vendor. At trial, the vendor sought damages for all outstanding payments under two previously-terminated IT services contracts (approximately \$4 million), as well as lost business value and profits on related sales (approximately \$12.2 million). The County retained the firm just months before the damages-only trial. The vendor's judgment was significantly limited, and no damages were awarded for lost business value or lost sales.
- Filed an amicus brief on behalf of the Michigan Health and Hospital Association in both state and federal court in connection with COVID-19 litigation against the State of Michigan and MDHHS.
- Successfully represented an entrepreneur in defending a COVID-19 related business dispute. The entrepreneur paid no money to the plaintiff and the case was dismissed.
- Advocated for a Michigan trial court to imply a civil cause of action for violation of Michigan's anti-bribery/anti-kickback statute (MCL 750.125), which from the firm's research was the first time the statute had been used and applied in a civil case.
- Convinced the Michigan Court of Appeals to grant leave to appeal a post-judgment issue of first impression in Michigan and to stay collection proceedings of a \$14 million judgment in a commercial litigation while the case was pending appeal.
- Obtained summary disposition in state court of:
 - Claims exceeding \$300,000, plus the plaintiff's attorney fees, against a Michigan financial institution at the beginning of the case and before expending substantial sums of money on drawn out litigation.

- A \$1.4 million counterclaim for breach of contract and simultaneously won a \$30,000 judgment in favor of the client.
- An HOA's \$100,000 claims against a condominium developer at the beginning of the case before drawn out litigation.
- Construction lien and breach of contract claims against a property owner.
- Due Process, nuisance, and declaratory judgment claims against a Michigan municipality by a real estate developer.
- Won a motion to dismiss in federal court regarding a plaintiff's First Amendment and Due Process claims against a Michigan municipality's zoning administrator.
- Secured favorable settlements for:
 - A trucking company relating to a cargo claim dispute with exposure exceeding \$500,000, plus the opposing party's attorney fees. After filing a dispositive motion regarding all of the opposing party's claims, the case settled for \$18,000.
 - A billboard company that had wrongfully been denied the right to construct a billboard within a municipality's jurisdiction.
 - A property owner in connection with a property line dispute without litigation and with \$20,000 payment to the client.
- Tried and won a \$23,000 judgment in favor of a commercial landlord.

SPEAKING ENGAGEMENTS

Litigation Series: What To Know If You Are Planning To Sue, *Foster Swift Second Wednesday Morning Break*, July 13, 2022

The Good Debt Collector, *Michigan Defense Trial Counsel (MDTC)*, June 23, 2021

Bidding on Public Projects, *Construction Law for Public Projects Seminar: HalfMoon Education Inc.*, November 13, 2019

Public Procurement Law Applicable to Construction Contracting, *Construction Law for Public Projects Seminar: HalfMoon Education Inc.*, November 13, 2019

PUBLICATIONS

Governor Whitmer Announces Name Change to Marijuana Regulatory Agency, *Foster Swift Litigation E-blast*, February 17, 2022

2019 Updates to GAAMP, *Foster Swift Agricultural Law News*, July 25, 2019

Sending Williamson County Out to Pasture: State Court Exhaustion No Longer Required for Federal Takings Claims, *Foster Swift Agricultural Law News*, July 24, 2019

Opening Pandora's Hotbox: Residential Landlords and Proposal 1, *Foster Swift Finance Real Estate & Bankruptcy Law News*, May 24, 2019



MEMBERSHIPS & AFFILIATIONS

Legal Affiliations

- State Bar of Michigan
 - Michigan Defense Trial Counsel
 - Chair, Young Lawyers Section (YLS), 2023
 - Member, YLS Education
 - Member, Legal Excellence Awards Committee
 - Ingham County Bar Association
 - Young Lawyers Section, Board Member
 - Associated General Contractors of Michigan
 - Member, Legal Advisory Committee
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