

Sean P. McNally

Partner

Detroit

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Sean provides strategic guidance to automotive, mobility, and energy sector clients through litigation, risk management, and regulatory compliance. His experience spans manufacturing, supply chain management, real estate, and commercial and industrial construction. Sean's deep industry knowledge and strong legal acumen help drive comprehensive, client-centered results.

OVERVIEW

Sean centers his national practice on high-exposure supply chain, recall, products liability, construction contract, and real estate litigation matters. He proactively develops risk management and regulatory compliance models to help clients materially reduce their litigation and enforcement exposure.

Sean serves as a strategic business advisor to his clients, leveraging his deep industry knowledge, extensive trial experience, and strong client service acumen to help clients solve their most complex problems and achieve their strategic goals.

Sean serves as the Detroit managing partner, is a member of the firm's Policy Committee, and serves as the knowledge management and AI partner for the firm's Litigation Department.

REPRESENTATIVE MATTERS

Automotive, Mobility, and Supply Chain

- *In re: ARC Airbag Inflators Products Liability Litigation*, N.D. Ga. Case No. 22-md-03051-ELR – Defending Tier 1 supplier in MDL proceedings of a putative consumer class action arising out of the ARC airbag inflator NHTSA investigation.
- *In re Lordstown Motors Corp, et al.*, Bankr. DE Case No. 23-10831 – Represented the Official Committee of Unsecured Creditors in a high-profile Chapter 11 bankruptcy relating to third-party litigation with Fisker Automotive, Foxconn, and state AG enforcement proceedings, which resulted in a 100% recovery for the unsecured creditors.
- *TE Connectivity Corporation v. Sumitomo Electric Wiring Systems, Inc.*, 644 F. Supp.3d. 393, 398-400 (E.D. Mich. 2022) – Currently representing Tier 2 supplier in dispute with Tier 1 supplier regarding alleged late deliveries of component parts during the COVID-19 pandemic.
- Represented a Tier 1 automotive supplier in the negotiation and documentation of long-term supply contracts

with 35 of its key Tier 2 suppliers with total transactional volumes of more than \$2 billion.

- Representing numerous manufacturers and wholesale distributors in supply chain risk management, including development and negotiation of supply contracts, terms and conditions, purchase orders, accommodation structures, and security agreements.
- Obtained summary judgment for a Tier 1 supplier in a commercial dispute over the design and installation of its sorting systems in its Gray Court, SC plant, which is the largest transmission production facility in the U.S., which is currently on appeal to the U.S. Court of Appeals for the Fourth Circuit.
- Led team representing a publicly traded mobility company in all regulatory aspects of the national expansion of its automotive maintenance centers, rental vehicle operations, and warehousing facilities for its bike and scooter business line.
- Successfully represented an automotive engineering company in solidifying insurance coverage for itself and a third-party indemnitee in connection with a catastrophic personal injury claim arising out of an accident at an automotive testing facility.
- Led team representing a publicly traded EV OEM in all aspects of legal and regulatory compliance for the national roll-out of its direct-to-consumer sales and direct services models (both brick-and-mortar and mobile service offerings), including prosecution of state dealership licenses, all state and local business licenses, environmental permits, EHS, NHTSA compliance, and state and local legal compliance and tax.
- Represented a Tier 1 supplier in recall and NHTSA issues against the OEM in a defective product claim involving engine fires, which resulted in zero liability to the client.
- Represented a Tier 1 supplier in a \$30 million recall with Ford Motor Company involving defective headlamps, which resulted in a 100% recovery against the Tier 2 supplier, including the reimbursement of all attorney fees.
- Represented a Tier 2 automotive supplier in its site acquisition and construction of a \$200 million plant located in Ohio, which involves a complex design-build delivery system, site access issues, and utility access and service issues.
- Represented a Tier 1 automotive supplier in a \$2.2 million tooling dispute with a financially troubled Canadian tool maker, which resulted in a negotiated settlement. The supplier obtained possession of the tooling on an emergency basis that prevented major production shutdowns at both Chrysler and Mercedes-Benz.
- *Estate of Trask Simpson v. General Motors, LLC, et al.*: Successfully represented a Tier 1 supplier and obtained summary dismissal of personal injury claim involving a catastrophic brain injury, which ultimately resulted in death.
- *New Jersey Laborers Pension Fund v. TRW et. al.* (Oakland Cir. Ct.): Successfully represented a Tier 1 automotive supplier in multiple securities class actions for alleged breach of fiduciary duty arising out of a historic merger.

Construction/Energy

- Currently representing Siemens Energy and Siemens Corporation in a dispute over the supply, installation, and commissioning of two SGT-800 combustion turbine generators to the Delta Energy Park, which is a \$1 billion natural gas power plant.
- Represented Geronimo Power in a contract dispute over serial defects in secondary transformers supplied in connection with the development and construction of two large solar projects with both the EPC contractor and the equipment supplier.
- Defended an international general contractor in a defect case involving the construction of a spray-on polyurethane foam roof system, which resulted in an extremely favorable settlement without going to trial.
- Represented a drainage district in a construction defect case arising out of a failed sanitary sewage basin, which resulted in a \$2.3 million recovery through a specialized ADR mini-trial process.
- Represented the Suburban Collection Showplace in obtaining a favorable arbitration award against the general contractor in connection with a 180,000-square-foot facility expansion, which included an award of no cause of action for all counterclaims.
- Represented the Suburban Collection Showplace in the statewide response to the COVID-19 pandemic and its

conversion to an emergency field hospital for the U.S. Army Corps of Engineers and the State of Michigan.

Commercial/Intellectual Property Litigation/Data Privacy

- Currently defending Flagstar Bank in two putative class actions arising out of the Accellion FTA data breach and a second attempted data breach in 2021, which are pending court approval for a \$31 million settlement.
- *Papas v. Gatzaros* (Wayne Cir Ct.): Tried complex noncompete and tortious interference case that resulted in a full defense victory, including a no cause of action on a \$2.7 million claim and dissolved an injunction that was preventing the defendants from closing a transaction, which represented a \$2.9 million investment.
- Successfully obtained dismissal of a Tier 1 supplier in a multiparty products liability action involving catastrophic brain injury.
- Represented an electrical material supplier in complex bankruptcy and state court litigation matters relating to a large ethanol company bankruptcy, which resulted in the highest net recovery of any creditor involved in the construction of the ethanol plant.
- *Crypton, Inc. v. Edelman Leather, LLC*, (E.D. Mich.): Achieved successful settlement for a leather manufacturer of trademark infringement and false advertising claims by a chemical manufacturer arising out of a terminated licensing/royalty agreement, where the plaintiff's damage demand was in excess of \$37 million.

Real Estate

- *In re Skymark Properties II, LLC*, 597 BR 363 (Bankr ED Mich, 2019): Successfully represented a commercial real estate tenant in installing a receiver on an emergency basis over the Metro Office Complex despite the objection of the senior lender, which was the first major case in Michigan under the Uniform Commercial Real Estate Receivership Act.
- Represented court-appointed receiver in connection with a partnership business dispute involving a \$130 million student housing portfolio.
- Represented a court-appointed receiver in successful disposition of 1200 Sixth Street Office Tower executive tower in Detroit, MI.
- Represented a real estate fund in the corporate structuring, acquisition, and financing of three commercial retail power shopping centers with transactional value in excess of \$150 million.
- *DDI-1150 Griswold, LLC v. Sky Bar Detroit, Inc.* (Wayne Cir. Ct.): Successfully tried a high-value leasehold dispute extinguishing possessory interest in a significant portion of the David Stott Building, which settled on appeal and facilitated a successful disposition of the asset.
- Tried a two-week real estate case involving complex use/easement agreements, which resulted in a significant recovery for the plaintiff and a critically important declaration of rights and duties over two large adjacent developments.
- Successfully represented a second position mortgagee in foreclosure/receivership proceedings on the Heritage Tower in Battle Creek, which ultimately resulted in a full recovery of all damages, interest, attorney fees, and expenses.

Appellate

- *Morris Pumps v. Centerline Piping, Inc.*, 273 Mich App 187, 729 NW2d 898 (2006): Obtained a summary disposition result on unjust enrichment, which the Michigan Court of Appeals affirmed in a decision referred to by *Michigan Lawyers Weekly* as one of the most significant cases of the year.
- *Xiao Yan Zhang v. Eric R. Carson, Trustee, et al.*, unpublished opinion of the California Court of Appeal, Fourth Appellate District, Division Two (Docket E067482/E068413): Successfully overturned a judgment of no cause of action and obtained an award of specific performance and attorney fees, which resulted in client's acquisition of a multimillion-dollar vineyard and ranch in Temecula, CA.
- *Johnson v. Mich. Minority Purchasing Council*, 341 Mich App 1; 988 NW2d 800 (2022): Representing the CEO

of the Michigan Minority Supplier Development Council in ongoing litigation over the decertification of the Piston Group companies as minority business enterprises.

- Deer Lake Property Owners Association, et al. v. Charter Township of Independence, et al.: Successfully represented an association in a dispute involving riparian access over a multimillion-dollar lakefront parcel, which resulted in a full victory and validation of legally vested nonconforming use rights and special land use approval.
- Municipal Supply Co v. Contract Dewatering Services, Inc., unpublished opinion per curiam of the Michigan Court of Appeals, decided April 20, 2010 (Docket No. 288271): Obtained summary disposition in favor of a material supplier that awarded a judgment in the full amount of the claim, plus all attorney fees, and dismissed purchaser's counterclaim for breach of implied warranty of merchantability, and fit for a particular purpose. The Court of Appeals affirmed the judgment, which resulted in the recovery of the appellate attorney fees.
- McAlpine v. Donald A Bosco Building, Inc., unpublished opinion per curiam of the Court of Appeals, decided December 18, 2014 (Docket No. 316323): Achieved lien priority, a full recovery of damages, and an award of attorney fees against Mark A. McAlpine on the construction of a multimillion-dollar home. The Court of Appeals affirmed the attorney fee award with the Michigan Supreme Court denying leave.

AWARDS

- *Chambers USA*: Litigation: Band 2, Litigation-General Commercial, Michigan (2024-2025)
- *Super Lawyers*: Michigan (2019-2025)
- *Best Lawyers in America®*: Litigation – Construction (2019-2025)
- Named Most Valuable Professional in *Corp! Magazine* (2016)
- Named one of Detroit's top lawyers by *DBusiness Magazine*
- *Legal 500 United States* for Construction (2017)
- Rated AV Preeminent by *Martindale-Hubbell®*

TOP AREAS OF FOCUS

- Automotive
- Business Litigation
- Construction Litigation
- Electric Vehicle Technology + Sustainable Infrastructure
- Real Estate Litigation

ALL AREAS OF FOCUS

- Automotive
- Business Litigation
- Construction Litigation
- Electric Vehicle Technology + Sustainable Infrastructure
- Real Estate Litigation
- Tariff + Trade Task Force

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Motor & Equipment Manufacturers Association
- Michigan Manufacturers Association

- Detroit Regional Chamber
- International Council of Shopping Centers
- Member, Board of Trustees of the Franny Strong Foundation
- Federal Bar Association
- Oakland County Bar Association
- Fellow of the Oakland County Bar Foundation

EDUCATION AND CERTIFICATIONS

EDUCATION

- Michigan State University College of Law, J.D., *cum laude*, 2003
- James Madison College at Michigan State University, B.A., 2000, political theory and constitutional democracy

BAR ADMISSIONS

- Michigan

COURT ADMISSIONS

- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Michigan
- U.S. District Court, Northern District of Illinois
- U.S. District Court, District of Maryland
- U.S. District Court, District of South Carolina
- U.S. District Court, District of New Jersey
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of New York
- U.S. Bankruptcy Court, District of Wyoming
- U.S. Bankruptcy Court, Southern District of New York
- U.S. Bankruptcy Court, District of Delaware

PUBLICATIONS

- Co-author, "[Tariffs Imposed on Medium- and Heavy-Duty Vehicles, Parts, and Buses Under Section 232,](#)" *Troutman Pepper Locke*, October 21, 2025.
- Co-author, "[Temporary Reduction of Reciprocal Tariffs on Chinese Goods Following US-China Trade Truce,](#)" *Troutman Pepper Locke*, May 14, 2025.
- Co-author, "[US Assembly Offset for Section 232 Auto Tariffs and Tariff Stacking Guidance Introduced,](#)" *Troutman Pepper Locke*, April 30, 2025.
- Co-author, "[White House Releases List of Products Excluded From Reciprocal Tariffs,](#)" *Troutman Pepper Locke*, April 14, 2025.
- Co-author, "[US Modifies Reciprocal Tariff Rates,](#)" *Troutman Pepper Locke*, April 11, 2025.
- Co-author, "[New Steel and Aluminum Tariffs in Effect,](#)" *Troutman Pepper Locke*, April 10, 2025.
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Co-author, "[New Section 232 Tariffs on Automobiles and Automotive Parts](#)," *Troutman Pepper Locke*, April 8, 2025.

- Co-author, "[Unpacking the New Reciprocal Tariffs Reshaping US Trade Policies](#)," *Troutman Pepper Locke*, April 7, 2025.
- Co-author, "[Exclusions From the Tariffs on Canadian and Mexican Goods Under HTS Chapters 98 and 99](#)," *Troutman Pepper Locke*, March 14, 2025.

MEDIA COMMENTARY

- Mentioned, "[Troutman Pepper Launches Tariff Task Force](#)," *Law360*, February 20, 2025.