

Getting Paid: How to Create and Enforce Commercial Agreements

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Overview

- A. Introduction
- B. Creating the right agreement
- C. Enforcing your agreement

The Difference Between McDonald's and Earl's

1. We are constantly entering and performing contracts
2. Napkins & handshakes vs. due diligence in data rooms
3. Security
4. Custom

The Breach

1. Ask
2. Insist
3. Escalate

Who Ya Gonna Call?

1. Collection agencies
2. Lawyer shopping
3. The psychological powers of letterhead
4. DIY
 - under contract
 - user-friendly court registries

Strategies Other Than Lawsuits

1. Revisiting the good old days when you shook hands and made a contract
2. Mandatory ADR procedures
3. Agreeing to ADR

But While We Are At It...

1. The clock is ticking
2. Small Claims vs. Supreme Court
3. Dollar thresholds
4. Mandatory procedures
5. Practical logistics

Litigation Overview

1. Pleadings
2. Document production
3. Examination for discovery
4. Summary trials
5. Trials

Tricks of the Trade

1. Real property – liens and CPLs
2. Registry law – default applications
3. Injunctions and extraordinary orders
4. Garnishing orders

WE WON!....a piece of paper with a court stamp

1. LTO registrations
2. Post-judgment garnishment
3. Examination in aid of execution
4. Payment hearings

Conclusion:

The Cost Benefit Analysis

1. KYC
2. Front end protection vs. getting blood from a stone
3. Holding security – the differences between land, money and chattels (better known as “stuff”)
4. Beware your principles

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Eyford Macaulay is a litigation boutique with years of experience and success in advancing and defending legal claims.

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