EXECUTIVE PLAYBOOK

GOOSMANN LAW FIRM

BUSINESS DISPUTES

Protect Your Business Before the Conflict Escalates

- PROTECT OPERATIONS
- PRESERVE LEVERAGE
- MAKE INFORMED DECISIONS
- MOVE FORWARD WITH CONFIDENCE

GoosmannLaw.com
Legal for Business and Life

BUSINESS DISPUTE OPERATIONS CHECKLIST

What to Do When a Business Dispute Starts Affecting Your Company

When a business dispute begins to interfere with operations, leadership needs a clear plan. The goal is to protect the company, preserve options, understand leverage, and choose the right path forward.

Use this checklist to organize your next steps when a dispute starts affecting revenue, employees, customers, vendors, ownership, cash flow, confidential information, or business continuity.

1 Identify the Operational Threat

Start by defining what the dispute is actually affecting.

Check all that apply:

□ Revenue or cash flow
□ Customer relationships
□ Vendor or supplier relationships
□ Employee morale or retention
□ Ownership or leadership control
□ A pending deal, project, sale, or expansion
□ Confidential information or trade secrets
□ Company reputation
□ Financing, banking, or lender relationships
□ Regulatory or licensing issues
□ Personal exposure for owners, officers, or executives
□ Business continuity or day-to-day operations

Key question:

What will happen to the business if this dispute is not addressed quickly?

2 Gather the Core Documents

Before deciding what to do next, collect and preserve the key records.

- ☐ Signed contracts and amendments
- ☐ Emails and text messages
- ☐ Invoices and payment records
- ☐ Purchase orders, proposals, or statements of work
- ☐ Meeting notes or summaries
- ☐ Financial records tied to the dispute
- ☐ Internal communications
- ☐ Customer or vendor communications
- ☐ Employment agreements or restrictive covenant documents
- ☐ Ownership agreements, operating agreements, or shareholder agreements
- ☐ Insurance policies
- ☐ Any notices, demands, or letters already sent or received

Important!

Do not delete, edit, or reorganize records once litigation, arbitration, or a formal claim is reasonably possible.

3 Review the Contract

Many business disputes are governed by the contract. The contract may determine what can happen next and when.

Review whether the agreement includes:

- ☐ Notice requirements
- ☐ Default or cure periods
- ☐ Payment terms
- ☐ Termination rights
- ☐ Confidentiality obligations
- ☐ Noncompete, nonsolicitation, or noninterference provisions
- ☐ Indemnity language
- ☐ Limitation of liability provisions
- ☐ Attorney-fee provisions
- ☐ Venue and governing law terms
- ☐ Mediation requirements
- ☐ Arbitration requirements
- ☐ Emergency relief or injunction language

Key Question:

Does the contract require a specific step before filing a claim, terminating the relationship, withholding payment, or taking other action?

4 Define the Business Outcome You Need

A strong dispute strategy starts with the end goal.

What outcome would actually solve the problem?

□ Payment
□ Performance of the contract
□ Ending the relationship
□ Preserving the relationship with new terms
□ Stopping harmful conduct
□ Protecting confidential information
□ Preventing customer or employee interference
□ Removing or separating from an owner or partner
□ Recovering damages
□ Getting emergency court relief
□ Creating a negotiated exit
□ Clarifying rights and obligations
□ Reducing future risk

Key Question

What result would allow the company to move forward?

5 Evaluate Leverage

Leverage is not just about who is right. It includes the facts, documents, timing, business pressure, financial realities, and legal options.

Consider:

- ☐ Who has stronger documentation?
- ☐ Who is under more time pressure?
- ☐ Who has more financial exposure?
- ☐ Who needs the relationship more?
- ☐ Who is more affected by delay?
- ☐ Are customers, vendors, lenders, or employees involved?
- ☐ Is reputation a concern?
- ☐ Is confidential information at risk?
- ☐ Is immediate action needed to prevent harm?
- ☐ Would a lawsuit create helpful pressure?
- ☐ Would mediation or negotiation likely move the matter forward?
- ☐ Would arbitration be required or beneficial?

Key Question:

What facts or pressures give your company the strongest position?

6 Assess Timing and Urgency

Some disputes require immediate action. Others benefit from a more measured approach.

Urgent action may be needed if:

- ☐ Money is being moved or withheld
- ☐ Assets may disappear
- ☐ Confidential information is at risk
- ☐ Employees or customers are being solicited
- ☐ A contract deadline is approaching
- ☐ A sale, deal, or project may be delayed or lost
- ☐ The other side is threatening legal action
- ☐ There is a risk of reputational harm
- ☐ The business cannot operate normally until the issue is addressed
- ☐ A statute of limitations deadline is approaching or may have already begun running

Key Question:

Does waiting improve the company’s position, or does it increase the risk of losing legal rights due to delay?

7 Protect the Business Internally

A dispute can drain leadership time and create internal confusion. Set structure early.

□ Assign one internal point person
□ Limit who communicates with the opposing party
□ Keep internal communications factual and professional
□ Preserve documents and electronic records
□ Protect passwords, access credentials, and confidential data
□ Prepare talking points for employees, if needed
□ Decide who will communicate with customers or vendors
□ Assess cash flow and financial exposure
□ Review insurance coverage
□ Coordinate with accountants, lenders, or other advisors when appropriate

Key Question:

Who is responsible for managing the dispute internally while leadership keeps the business moving?

8 Choose the Right Path Forward

Litigation is one strategic tool. Depending on the facts, the right path may involve negotiation, mediation, arbitration, litigation, or a combination of approaches.

Possible next steps include:

☐ Informal business discussion
☐ Attorney-drafted communication
☐ Demand letter
☐ Contract notice
☐ Negotiation
☐ Mediation
☐ Arbitration
☐ Lawsuit
☐ Emergency injunction or court order
☐ Settlement agreement
☐ Business separation or exit agreement

Key Question:

Which path best protects the business and creates the most practical route to resolution?

9 Talk With Litigation Counsel Early

Involving counsel early does not mean the company has to file a lawsuit. It means leadership can make informed decisions before the dispute escalates further.

Litigation counsel can help you:

□ Understand legal claims and defenses
□ Preserve evidence
□ Evaluate contract requirements
□ Assess risk and leverage
□ Communicate strategically
□ Avoid mistakes that weaken your position
□ Decide whether negotiation, mediation, arbitration, or litigation makes sense
□ Protect operations while the dispute is pending

Key Question:

What should we do now to protect the company's position if this dispute escalates?

BOTTOM LINE

When a business dispute starts threatening operations, the company needs more than a reaction. It needs a strategy.

The right plan protects the business, preserves leverage, manages timing, and helps leadership move forward with confidence.

Need help evaluating a business dispute?
Early legal analysis can help identify risks, preserve options, and support informed decision-making before a dispute escalates. If you have questions about your situation, contact Goosmann Law Firm to discuss your circumstances.

Goosmann Law Firm
402-258-5177
GoosmannLaw.com

GOOSMANN LAW FIRM