

# Food, Beverage & Hospitality

Clark Hill attorneys bring skill, knowledge and collective experience to the table when providing legal services for clients in the food, beverage and hospitality industries nationwide. We provide a 360-degree view of the business from farming and distribution to retail outlets, associations, and hospitality and resort facilities. We consider our clients' business, manufacturing and processing goals and objectives, whether the client is an owner/operator, developer, manager, manufacturer, processor, distributor, packager, or investor in a hotel, resort, leisure facility, restaurant, or a vendor servicing the industry.

Whatever your business issues, our attorneys are equipped to help with advice and counsel to address your specific needs, including but not limited to:

## Corporate:

- Negotiation and execution of corporate transactions such as mergers, acquisitions, divestitures, and joint ventures and capital and venture investments
- Creation of corporate entities and structure for business organizations
- Import and export arrangements
- Document and process liquor licenses
- Franchise and management agreements
- Intellectual property, including trademarks, copyrights, and patents
- Licensing and marketing agreements
- Processing, supply and distribution agreements
- Shareholder voting and control matters
- Tax-related incentives and planning

## Finance:

- Credit agreements and restructurings
- Real estate, including commercial leases and financing
- Bankruptcy matters
- Collections

## Labor & Employment:

- Audits
- Handbooks
- Management training
- Affordable Care Act and EEOC compliance

## Litigation and Compliance:

- Product recalls
- Commercial litigation
- Construction litigation
- Anti-Trust, including pricing fixing and indirect purchaser claims
- Americans with Disabilities Act litigation and compliance, including handicap access ordinances
- Litigation of trademark and trade dress infringement actions
- Defense of Fair Labor Standards Act actions and advice regarding compliance
- Defense of administrative proceedings, including citations and alleged license violations
- Governmental compliance with content labeling
- Dram shop and premises liability
- Compliance with local laws and ordinances
- Creditor and debtor bankruptcy representation

## Food & Beverage

Our attorneys across the country have extensive experience in representing food and beverage processors, manufacturers, industry groups, franchises, restaurants, bars, retailers, liquor distributors, brewers, caterers, grocery stores, convenience stores, and other clients in the industry. Some notable representations and accolades by our attorneys include:



## Food, Beverage & Hospitality Leaders

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- Counsel for the Food Processors Institute (formerly National Food Processors Association (NFPA)), whose members include Campbell Soup Company, Heinz, Ore-Ida, Bumble Bee Tuna, StarKist, Birds Eye, Gerber, Dole, and Del Monte.
  - Representation of large franchisors and franchisees, including Yum! Brands, 7-Eleven, Darden Restaurants, Burger King, and McDonald's.
  - Defense of one of the nation's leading food manufacturers in several states against claims for illness and death allegedly resulting from E. coli 0157:H7 bacterial contamination.
  - Representation of an international private equity firm and its portfolio company in the sale of one of the United States' largest microbrew keg and container leasing companies.
  - Representation of a pre-packaged food processor in its sale to a private equity firm.
  - Representation of an international food processing company in the sale of its U.S. based potato processing subsidiary.
  - Creation of a proprietary system to streamline franchising and liquor licensing for a national client.
  - Founding member of the Coalition of Food Industry Counsel, a national organization dedicated to educating attorneys.
  - Regular presentations to the Illinois Restaurant Association, the Food Processors Institute, the National Association of Food Processors, and the Food and Drug Law Institute.

### **Hospitality**

Our Hospitality practice comprises a core team of industry leaders who are focused on all elements of the hotel and hospitality industry. From acquisition and development to operations and management to financing and disposition, our hospitality team is complemented by cross-disciplinary support from partners and colleagues throughout the firm. Whether developing a complex mixed-use project, refinancing a property, rebranding an asset or looking to expand a portfolio through a corporate acquisition or joint venture, we will represent and coordinate with you throughout the process.

We understand our clients' business operations so our work is informed by a knowledge of what you will need, given your particular situation and business goals. We have relationships with industry leaders, regulators, and trade association executives who can provide valuable connections for our clients. Our knowledgeable attorneys keep on top of emerging legislative and business issues.

We advise our clients on a wide range of hospitality and leisure projects, including:

- Amusement Parks
- Casinos & Sweepstakes Businesses
- Catering & Conference Facilities
- Condominiums and Timeshare Projects
- Golf Courses and Country Clubs
- Health Spas and Fitness Facilities
- Hotels and Resorts
- Restaurants and Nightclubs
- Professional Sporting Events and Sports Stadiums