

## Hospitality

Fowler White Boggs has established a Hospitality Industry Team to coordinate our Firm's broad range of experience serving clients in the hotel and restaurant (hospitality) industry. Our Hospitality Industry Team includes a multi-disciplinary team comprised of lawyers from our corporate, real estate, labor and employment, litigation and intellectual property practices. We are well-equipped to handle the most sophisticated needs for our clients in all sectors of the hotel and restaurant industry.

The practice areas that comprise our Hospitality Industry Team include the following:

### **Corporate**

Our corporate lawyers have been actively involved in the formation, financing, development, and expansion of a number of nationally and regionally based hospitality-related concepts, providing our clients with a wide range of legal services in connection with these activities. Members of our Hospitality Industry Team have also handled numerous acquisitions and dispositions of existing restaurants, as well as structured and negotiated complex joint venture and other partnering arrangements involving hotel, restaurant or entertainment companies.

The financing of hospitality companies has also been an active and integral part of our hospitality-related practice. Members of our Hospitality Industry Team have significant experience representing underwriters, placement agents and other financial intermediaries that provide capital for growing restaurant companies in numerous public and private offerings of securities.

### **Real Estate**

One of the most significant factors in the success of any hospitality-related business is location. Saturated markets are causing restaurateurs or hoteliers to be more creative in selecting territories for future expansion. Operators must ensure that a suitable site with strong visibility and easy access is obtained at a reasonable cost. Lawyers from our Hospitality Industry Team work with clients to develop site selection criteria with the attributes uniquely suited to the industry. Some concepts require placement in areas with high volumes of pedestrian traffic due to their appeal to the impulse diner. Other concepts are destination oriented, relying less on "high cost, high visibility" locations and more on demographics and access.

Whether the location ultimately selected may be a shopping mall, urban shopping market, power center, strip center or free-standing location, we continue to work with restaurateurs and hoteliers to ensure all of their needs are met prior to acquisition of their interest and throughout their tenure of ownership. In that regard, our Hospitality Industry Team routinely handles all aspects of the construction phase, the land use and zoning process (including alcoholic beverage permitting), environmental issues, if any, and all letters of intent, contracts, cross-easements, acquisition documents, leases and signage arrangements.

To expand a restaurant or hotel chain or construct or renovate existing units, the hospitality industry frequently relies on multi-unit asset or real estate based-collateralized financing. Our Hospitality Industry Team has represented both large and small hospitality companies from loan commitment through closing coordinating satisfaction of a lender's requirements whether across town, across the state or across the country.



### **Practice Team**

Heather B. Brock  
Melissa A. Dearing  
Andrew B. Demers  
Thomas E. Gibbs  
Jenny Byars Gribbin  
Christina M. Johnson-Boyce  
Jim Magill  
Kim McGlynn  
Andrew L. McIntosh  
Shari B. Olefson  
Robert L. Olsen  
Robert G. Riegel, Jr.  
John W. Robinson, IV  
Jeffrey C. Shannon  
William D. Townsend  
Jeffrey P. Watson  
Fred S. Werdine  
Denise L. Wheeler

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### **Beverage Licensing**

Our Firm also handles alcohol beverage licensing and related issues at the federal, state and local level. We typically counsel restaurants and bar owners on alcohol beverage laws pertaining to their business and we have the expertise necessary to prepare, submit, and monitor applications for alcohol beverage licenses and importer licenses at the state and federal level. We also have experience in assisting our clients with the purchase and sale of liquor licenses, including the preparation and submission of liquor license transfer applications at the state and local level.

### **Labor and Employment**

As most operators are aware, attracting, training, and retaining key personnel is crucial to the success of any multi-unit hotel or restaurant concept. Hospitality entrepreneurs are often faced with the difficulty of finding management and employee candidates to assist in generating growth. Lawyers from our Hospitality Industry Team help to develop adequate programs to motivate management personnel to make the correct decisions concerning the treatment of employees. Our Hospitality Industry Team also includes litigators qualified to advocate on behalf of employers which must defend their employment policies or other business-related decisions.

Our extensive policy development and litigation experience includes the structuring and enforcement of non-competition and confidentiality agreements, the development and implementation of stock option and other equity and non-equity incentive programs, the preparation and structuring of employment manuals, and the defense of labor-related claims such as overtime wages, workers' compensation, unemployment, wrongful termination and harassment suits, as well as issues related to disability access.

### **Litigation**

Disputes in business are facts of life. Depending on how disputes are dealt with, they either end up in litigation or reach settlement. The cost and consumption of time of either resolution, however, may have a significant impact on business. In today's highly regulated workplace, legal and compliance disputes create constant jeopardy to hotel or restaurant operators.

The first objective is to avoid costly disputes through preventative planning. Lawyers from our litigation practice areas have significant experience in representing companies in all facets of dispute resolution, whether through litigation, mediation, arbitration or informal settlement. Our experience includes representing clients in class-action securities law suits, franchisor/franchisee disputes, discrimination claims, wage and hour collective actions, and product liability disputes as well as other types of claims.

Whether you are faced with an E-coli claim, wage and hour claim, sexual harassment charges by your employees, dram shop claims, defiant franchisees, shareholder/partner disputes or securities fraud action, our litigators have the experience necessary to resolve these matters efficiently and effectively, with a concern for controlling costs and reducing disruption to your business.

### **Intellectual Property**

Our Hospitality Industry Team also includes lawyers who handle trade dress, trademark and service mark matters on behalf of clients in the hospitality industry. We prepare applications to register trademarks and service marks with state agencies and the United States Patent and Trademark Office, and we prosecute those applications in administrative proceedings. We also prosecute and defend trademark/service mark infringement actions in the state and federal courts, including actions involving registered and unregistered marks. We have significant expertise with "trade dress" infringement claims.

### **Our Clients**

Our hospitality industry clients are varied, ranging from large, regional and national chains to individually owned operations. Clients include restaurants, hotels, resorts, sports teams, and entertainment theme parks.

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### News

The Hospitality Industry Team publishes a weekly enews that covers industry headlines as well as emerging legal issues. To subscribe, [click here](#).