



# Retail, Restaurants, and Recreation

**Understanding the exceptional opportunities and challenges of these consumer-facing companies, with particular focus on clients' growth and protection**

Competitive economic pressures are disrupting traditional consumer consumption and buying practices, and retailers, restaurants, and resort businesses must adapt – and need to do so continuously. Whether they are reducing costs by shifting to online sales and payments platforms, expanding brick-and-mortar operations with new store models, or intensifying competition by offering rewards programs and incentives, the commercial landscape for these businesses is highly dynamic. To address the vast array of legal and business issues in play, you need a law firm with deep experience in virtually every area of law – from real estate and land use to construction, mergers and acquisitions, consumer and commercial finance, securities offerings, dispute resolution, labor and employment, data privacy, intellectual property, and government relations, among others. Our Retail, Restaurant, and Resorts team is composed of lawyers with the ideal mix of legal and industry knowledge to address the full set of opportunities and challenges which clients in these industries face.

McGlinchey offers much more to businesses in these industries than our competitors can. Our nationally recognized depth of experience in consumer financial services compliance enables us to address a vast array of

consumer-facing credit and payments issues at the heart of retail and hospitality businesses. We have advised clients on these issues for decades, and we have deep knowledge of the operational and regulatory requirements associated with consumer financial services as well as the types of disputes which arise. Our extensive experience handling complex litigation and class actions – we have defended clients in a wide variety of, and some of the largest, consumer financial disputes that have been litigated – allows us to partner with our clients in spotting litigation risks, reducing them when possible, and vigorously defending clients in litigation when it is unavoidable. And when statutes and regulations unnecessarily impede business growth, we know how to work with government agencies and lawmakers to make adjustments in the requirements for licensing, permitting, and other areas.

McGlinchey's retail, restaurant, and resort clients are recognized names in these industries, with regional and national operations in physical buildings and facilities as well as online. They include a full range of traditional retailers – grocery chains, department stores, jewelers, and office goods suppliers – as well as fast-food and fast-casual restaurants, hotel companies, airlines, and rental car companies. We maintain strong personal relationships with our clients, as trusted legal and business advisors and friends. And these relationships enable us to collaborate closely, serving client businesses with the same care and attention as if they were our own.

## What We See on the Horizon

Contact your McGlinchey Retail, Restaurants, and Resorts team for our latest insights about the following:

**Class and collective actions.** Retail, restaurant, and recreation companies face significant litigation risks involving both employees (gender discrimination and sexual harassment claims, wage and hour disputes) and customers (warranties on products, credit/gift cards and reward programs, ADA compliance matters involving access to websites) as well as risks related to both (data breach and cyber claims, premises safety and security, gender identification discrimination claims). Our lawyers have decades of experience advising clients on litigation prevention strategies and, with offices in the jurisdictions where consumer class actions are often filed – New York, Texas, and California – our team is ready to wage a vigorous defense should litigation arise.

**Data privacy and cyber claims.** New technologies to serve customers – for example, home delivery by drones, marketing through text messages, or credit approval through mobile apps – are, or soon will be, the norm. And with the rollout of these new technologies, the universe of cybersecurity and privacy issues which businesses face grows ever more complex. As a firm deeply embedded in the financial services industry, we have had to address issues large and small related to technology, cybersecurity and data privacy. We have deep experience with helping clients manage security risks related to technology as well as meeting the expectations of both regulators and customers in the arena of data privacy.

**Retail healthcare.** As retailers expand the healthcare services they provide to customers – adding clinical care to pharmacy services, blood pressure and glaucoma checks, and flu shots – they face both opportunities and risks. The McGlinchey Retail, Restaurant, and Resorts team works with clients to assess and capture solid business opportunities while anticipating, reducing, and mitigating legal and business risks.

**Opioid litigation.** The costs associated with the opioid epidemic continue to mount and, with them, the risk of litigation facing grocery stores and department stores which offer pharmacy services. Our litigation team has

decades of experience addressing product liability issues associated with pharmaceutical products and is positioned well to advise retailers facing opioid-related claims.

**Legalization of cannabis products.** As the cannabis industry grows and matures, regulatory and other legal issues associated with the sale and use of cannabis, cannabidiol (CBD), and related products will proliferate. Whether the need is to address workplace policies for employees or liability issues associated with customer safety, McGlinchey's Retail, Restaurant, and Resorts lawyers have the background and experience to address the novel legal and business issues that will inevitably arise.

## Industry Strengths Sought After by McGlinchey Clients

We collaborate with our retail, restaurant, and resort clients to help them grow their businesses through acquisitions and joint ventures, resolve disputes, comply with applicable regulations and, when necessary, work to get laws and regulations changed to support business growth. Whether you are dealing with employer-employee relations issues, seeking financing, securing customer and employee data, restructuring your operations, reorganizing your supply chain, or addressing questions about taxes, our Retail, Restaurant, and Resorts team is fully prepared and ready to help. We have particular strength advising clients in the areas of:

**Consumer financial services and consumer credit.** We have been recognized by *Chambers USA* with a National ranking for Consumer Financial Services Compliance.

**Class actions.** We have extensive experience defending clients in consumer class actions.

**Franchising.** With offices coast to coast, McGlinchey Retail, Restaurant, and Resorts lawyers are positioned to advise both franchisors and franchisees on legal issues associated with operations, growth and expansion, and dispute resolution.

**State and federal regulations.** We advise on regulatory compliance and represent clients before state and federal regulatory bodies such as the Alcohol Tobacco Commission and consumer finance agencies.

**Employment litigation.** As businesses transition from brick-and-mortar stores, necessitating reductions in force, their risks of litigation increase. Our employment litigators have extensive experience both defending retail, restaurant, and resort businesses in disputes with employees and advising on litigation prevention and other risk management strategies.

**Real estate strategy and management.** Our Retail, Restaurant, and Resorts team understands that sustained growth of retail operations requires a robust real estate management strategy. Whether through lease harmonization, financing or otherwise, our lawyers help clients both develop real estate strategies and implement them.

**Corporate debt facilities and equity offerings.** Securing adequate capital, efficiently, is key to operating any retail, restaurant or resort property. We help clients access the capital markets most appropriate to their needs and advise on capital raising strategy every step of the way.

**Mergers and acquisitions.** When the best growth strategy involves acquiring new assets or entire companies, or your business strategy calls for selling assets or an entire company, our M&A lawyers stand ready to provide counsel on both business and legal strategy. We have deep experience addressing the unique M&A needs of regional, super-regional, and national middle-market companies, both investor-owned and family-owned enterprises.

## Related Industries

- Chemical and Industrial Services
- Construction
- Financial Services
- Real Estate
- Technology
- Energy

## Related Services

- Litigation
- Appellate
- Asbestos and Toxic Torts
- Class Action Defense
- Commercial Finance and Lending
- Commercial Litigation
- Corporate and M&A
- Creditors' Rights, Financial Restructuring, and Bankruptcy
- Cybersecurity and Data Privacy
- Environmental
- Government Relations, Contracts, and Lobbying
- Intellectual Property
- Labor and Employment
- Real Estate
- Government and Internal Investigations