

## Retail and Hospitality

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Miller Canfield provides comprehensive legal services for retailers, restaurants, hotels and resorts, professional sports venues and casinos. From mixed-use, multi-block entertainment district developments in U.S. city centers to Europe's largest hypermart, our specialty team of lawyers is a leader in the retail, hospitality and entertainment industries.

Our experience in crafting and counseling complex public-private partnership projects has generated revenue, employment, attendance and attention worldwide for business owners and communities – our clients.

We can help with:

**Real Estate Development** – including acquisition, financial incentives, zoning, finance and construction;

**Financing** – we represent financial institutions in bilateral and syndicated loans for the acquisition, construction and refinance of hotels and retail shopping centers, and for working capital and acquisition financing for retail businesses;

**Operations** – all employment and labor matters, government regulations and licensing, e-commerce, and social media;

**Intellectual Property and Brand Protection** – copyrights, trade secrets, trademarks and worldwide patent prosecution;

**Expansion** – assistance with multi-state and international growth, franchising and investment, including EB-5 investment; and

**Bankruptcy, Restructuring and Insolvency** – representing creditors and creditor committees of retailers in workouts and commercial bankruptcy cases.

## Representative Matters

### Retailers

- Helped the owner of one of the best-known and valuable trademarks in world investigate and bring federal criminal charges against a counterfeiting ring and handled related civil litigation to bring the counterfeiting to an end.
- Defended a clothing retail chain in a purported class action involving race discrimination claims. The case settled on favorable terms after the court declined to certify a class.
- Advised national retailer with respect to the leasing, subleasing, and tenant management of its owned shopping centers.
- Defended a national grocery retailer against claims of attempt to monopolize and tortious interference brought by a local retailer. The district court granted summary judgment dismissing all claims.
- Advised internet retailer in copyright litigation relating to allegations photographs were impermissibly used to sell merchandise.
- Advised a large multi-state grocery chain on the process of transferring alcohol and tobacco inventory when closing a store and coordinated the transfer with the required state regulatory agencies.
- Defended a major retailer in a class action involving sales associates alleging age discrimination arising out of a nationwide reorganization. The Eastern District of Michigan dismissed the lawsuit, avoiding potential damages claims exceeding \$16 million.

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- Represented an owner of an approximately 85-property portfolio of distressed retail properties located throughout the U.S. in the sale and lease of such properties on a one-off basis.
- Represented a major retailer accused of race discrimination in a class action contesting its hiring and promotion decisions. Case was resolved for nuisance value.
- Represented a frozen yogurt franchisee as tenant counsel in negotiating retail leases and as company counsel in creating a parent entity and operator/tenant entities.

### Restaurants

- Represented Mediterranean restaurant chain in trademark dispute involving claims of analogous use. Served as lead counsel and successfully settled the matter on favorable terms.
- Successfully resolved FLSA class action for regional restaurant chain.
- Helped secure and purchase land and buildings during the construction process of a fast food chain expansion.

### Hotels and Resorts

- Represented private equity fund as equity partner in joint venture involving a portfolio of five hotels.
- Successfully represented a real estate developer in federal court litigation and related mediation of a dispute involving the construction of a luxury Caribbean hotel and resort complex.
- Represented the owners of a high-rise hotel in Grand Rapids, Michigan, which was required to close for two years after it was originally occupied for complete reconstruction because of defective exterior wall panels and internal HVAC design defects. Settlement recovered well into eight figures for the client.

### Sports Venues

- Led legal team on \$650 million Little Caesars Arena sports facility and related development located in Detroit, Michigan. The project is one of the most significant public-private partnerships in the Midwest, and is expected to generate \$1.8 billion in economic development and 1,100 permanent jobs in the area. Related work involved real estate, land acquisition, title clearance, environmental, legal structuring, multi-level economic incentives, planning, zoning, financing, leasing, special legislation, tax-exempt bonds, architect agreements, construction and labor.
- Representation of the construction manager in connection with construction of Ford Field football stadium located in Detroit, Michigan.
- Representation of the owner/developer in connection with design construction and project financing of Comerica Park baseball stadium located in Detroit, Michigan.

### Casinos

- Defended an Illinois casino in a sex harassment/hostile work environment class action lawsuit and successfully defeated the motion for class certification.
- Successfully defended casino against claim for slots payout for invalid play.

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- Counseled client on emerging Native American law issues concerning lending for gaming facilities on land taken into trust.
- Achieved a substantial recovery for a national construction manager – and defeated a counterclaim – after an extensive arbitration hearing involving construction of a Native American tribe-owned casino. The firm successfully counseled the client on issues of sovereign immunity applicable to Native American tribes in achieving the settlement.