



## Retail & Consumer Products

As the second-largest industry in the world, retail employs more than 22 million Americans and generates more than \$3 trillion in annual sales. It is an enormous industry, but an ever-changing one with countless factors influencing the nature of business. Innovations in technology have created a more informed consumer and one that has more options than ever before. Economic and political influences have changed the nature of retail industry and its regulatory environment.

Foster Pepper's Retail & Consumer Products team draws upon the experience of attorneys who are leaders in their fields and understand the market trends and complex issues encountered in the industry. Our clients include one of the largest wholesale retailers in the world, grocery chains, specialty retailers, manufacturers, distributors, e-commerce retailers, national and local landlords, and real estate developers.

At Foster Pepper, we utilize an integrated practice approach to assist our clients across the broad spectrum of issues – from bankruptcy to employment and labor and land use to corporate transactions and securities.

### AREAS OF FOCUS

#### Business

We represent clients in a full range of domestic and international trade regulation and product distribution issues and assist clients in structuring distributor and agency relationships, licensing agreements, software and ecommerce solutions for tracking inventory, distribution, in-store and online sales, and franchisor-franchisee relationships.

#### Creditors' Rights & Bankruptcy

Our experienced team of creditors' rights and bankruptcy attorneys assist retail and consumer products clients in a variety of ways. When vendors or customers become insolvent or file bankruptcy, we assist retailers with effort to negotiate workouts, pursue claims, foreclose on collateral, reclaim goods, and defend against actions to recover payments the client may have received. Our team members guide clients who seek to acquire a store, inventory, intellectual property, or other assets out of a bankruptcy proceeding. A bankruptcy filing by a retailer's landlord or by its tenant triggers many rights and restrictions, and we help our clients navigate the process to best protect their interests under the lease. The creditors' rights and bankruptcy group has a national scope, and our attorneys have represented retail clients in courts all over the country.

#### Emerging Companies & Venture Capital

We represent start-up and emerging retail and consumer products clients with all aspects of entity formation, including angel and venture capital financing, intellectual property protection, mergers and acquisitions, tax, incentive stock options, and benefit plans.

#### Employment & Labor Relations

We regularly counsel retail clients on national and state-specific employment and labor laws. We have represented retail employers in an array of situations, including litigation, union organizing campaigns, and wage and hour audits. We also provide a variety of no-cost services to our clients, including routine breakfast

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briefings and regular updates on changes in employment and labor laws.

### Environmental

We have extensive experience in helping retail landlords, tenants, and developers address and resolve environmental matters. Whether obtaining or ensuring compliance with local, state, and federal permits, or assisting with transactions involving the lease, sale, or purchase of contaminated properties, we have the experience to get the job done on-time and on budget. If an environmental issue requires litigation or dispute resolution, our environmental attorneys have first-chair trial experience to assist clients in meeting their objectives.

### Insurance Coverage

Our insurance coverage attorneys represent policyholders in obtaining insurance coverage for an increasing range of liabilities and losses, including those related to product liabilities, property damage, employment and labor, construction, environmental and toxic tort matters, as well as other coverage issues.

### Intellectual Property

Our intellectual property attorneys are experienced in procuring, enforcing and leveraging your rights in technological and marketing innovations, both domestically and in foreign jurisdictions, as well as providing counsel in best practices for liability avoidance.

### Land Use, Planning & Zoning

We represent clients in connection with virtually every aspect of land use law. Our experience includes site acquisition and disposition, land use and environmental due diligence, commercial and mixed-use projects, project siting and permitting, and planning and zoning compliance.

### Litigation & Dispute Resolution

Our experienced litigation and dispute resolution attorneys assist clients in resolving disputes involving antitrust and trade regulation, intellectual property law, product liability, construction law, and the defense of securities and consumer class actions.

### Real Estate

We represent our retail tenant, landlord, and developer clients on transactions including due diligence and acquisition, financing, tax planning, development, construction, insurance, property management, and leasing.