



## Restaurants, Food and Beverage

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Vorys has a long-standing history of representing national restaurant chains, mom-and-pop eateries and other food services companies across the country. Our multidisciplinary industry team provides comprehensive service and pragmatic counsel to food and beverage companies in business, legal and regulatory matters.

### Who We Represent

Vorys has decades-long relationships as counsel to some of the largest restaurant chains in the United States, as well as single-location restaurants across the country.

Our food and beverage clients also include:

- Food service companies
- Franchisors and franchisees
- Food and beverage manufacturers
- Grocery retail stores
- Beer and wine associations

### Our 360-Degree Approach

We take pride in understanding the restaurant, food and beverage industry as well as our clients do. Our attorneys leverage their interdisciplinary industry knowledge to work seamlessly across practices and advise clients on an array of business and legal issues facing food and beverage companies today. We diligently stay abreast of emerging trends and developments to help our clients comply with increasingly complex federal and state laws and regulations while achieving their business objectives.

### What We Do

We advise restaurant, food and beverage clients on some of their most sensitive and high-stakes legal and business matters – from complying with complex international sourcing and customs requirements, to addressing unprecedented expense reductions, restaurant closures and supply chain challenges, to defending against contract and

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trademark disputes.

Vorys has particularly deep experience representing food and beverage clients in labor and employment litigation, real estate and liquor licensing matters, and the whole gamut of franchise law matters.

- Advising and providing training on the spectrum of labor and employment policies, procedures and compliance considerations
- Representing clients in national and multi-state FLSA and state wage and hour class and collective actions, including many involving tipped employees.
- Helping clients renegotiate hundreds of lease agreements amid the COVID-19 pandemic shut downs and the subsequent re-openings
- Defending a nationwide grocery store chain in multi-state consumer class actions, regulatory inquiries, and other matters arising out of data security incidents
- Helping restaurant clients adapt to new food to-go and carry out business trends
- Helping hundreds of restaurants, hotels, grocery stores, and a range of other venues acquire liquor permits

## Labor and Employment Litigation

Vorys' nationally recognized labor and employment practice comprises approximately 50 lawyers who are adept at anticipating and preventing employee relations conflicts through education, training and counseling.

We provide holistic counsel to clients in labor and employment, employee benefits and executive compensation, immigration law and litigation matters. Roughly 15% of our labor and employment attorneys have worked inside corporate legal departments and intimately understand how procedures, policies and management personnel impact business operations.

When disputes arise, we mobilize our coast-to-coast team of labor and employment litigators with vast experience in single-plaintiff cases and complex class actions. We have represented dozens of restaurants and retailers in successful resolution of class and collective action wage and hour claims under federal and state law. Restaurants and retailers are particularly vulnerable to class action litigation in California, making our knowledge of the state-level legal landscape even more essential to our clients.

Our labor and employment litigation attorneys have:

- Appeared as national and lead counsel for clients in all kinds of labor and employment-related matters in state and federal trial and appellate courts, including the U.S. Supreme Court
- Handled labor and employment litigation in 49 states, the District of Columbia and U.S. island territories
- Represented employers before state and federal administrative agencies across the country
- Defended hundreds of wage and hour class actions on behalf of employers, including in California, where companies are particularly vulnerable
- Advised on litigation strategy in cases that have garnered considerable public attention and national media coverage

Vorys has consistently earned both national and state recognition in the areas of employment and labor law management and labor and employment litigation, including in the *2022 U.S. News – Best Lawyers*<sup>®</sup> “Best Law Firms” report. For nearly two decades, Vorys has been ranked in Ohio for “Labor & Employment,” in the prestigious *Chambers USA* guide.

## Real Estate

Vorys – a national Tier 1 firm for real estate law in the *2022 U.S. News – Best Lawyers*<sup>®</sup> “Best Law Firms” report – advises on the development of virtually every type of residential and commercial property, including restaurants, grocery stores and other food service facilities. Within the food services industry, our real estate attorneys have deep experience representing clients in lease disputes and property tax valuation matters.

### Lease Litigation

We advise landlords and tenants on negotiating and drafting leases and related documents. When lease disputes arise, we evaluate opportunities to craft “win-win” solutions to control costs by employing a range of alternative dispute resolution (ADR) methods and potential settlement agreements that advance our clients’ business and litigation goals. When clients decide to fight or defend claims in court, our nationwide team of litigators represents our clients to obtain favorable results in court.

### Real Property Valuation

Property taxes are often the largest nonproductive expenses incurred by property owners. Our tax attorneys work closely with appraisers, property managers, engineers and accountants to help reduce our clients’ property tax burdens when appropriate.

Vorys’ real property tax attorneys manage nationwide portfolios of properties and advise on legal matters in all 50 states, Puerto Rico and Canada.

We provide comprehensive property tax counsel to streamline the collection, review and payment of property tax bills, saving clients time and money. We advise clients through the complete property valuation process and evaluate key considerations, such as revaluation cycles by local assessors; new construction; significant changes at a property, including market changes, decreases in occupancy and

rental rates or government funding sources; fire or wind damage and other casualties; and deferred maintenance issues that impact property value.

Our real property tax services include:

- Traditional valuation review and litigation
- Tax exemption, incentive structuring, application and maintenance
- Real property tax payment processing
- Tax accruals
- Tax notice management

## Franchising and Distribution

Vorys' experience in the franchising sector dates back to helping Wendy's International establish its first franchise agreement in the early 1970s after opening its first restaurant in Columbus, Ohio.

Our franchising and distribution group has since grown to include corporate, regulatory and litigation attorneys who provide a full suite of services to startup franchisors and franchise systems seeking to expand and protect their brands around the globe.

Our multidisciplinary team includes attorneys who are nationally recognized for representing major food and beverage franchisors, a former in-house general counsel for a fast-food restaurant franchisor, an attorney with years of government affairs experience representing the nation's largest franchisor trade association and members of the American Bar Association (ABA) Forum on Franchising. Our coast-to-coast roster of attorneys is backed by an international network of outside counsel who advise on the global expansion of franchise systems.

Our key service areas for franchise clients include:

- **Commercial transactions:** We advise on all aspects of developing and structuring franchise systems, whether the goal is to establish a new franchise or expand an existing brand throughout the U.S. and internationally.
- **Mergers and acquisitions:** We advise on both sides of strategic purchase and sale transactions involving franchisors, franchisees, distributors and multi-unit franchisees purchased by private equity firms.
- **Regulatory compliance:** We have extensive experience in helping clients comply with federal and state laws regulating franchises, as well as assessing the risks and benefits of potential investments and commercial agreements. We advise on matters related to the Federal Trade Commission's (FTC) Federal Franchise Rule and work to prevent or identify unfair and deceptive trade practices. We also advise on state franchise legislation impacting franchise agreements, the offer and sale of franchises, state registration obligations and ongoing franchise operations.
- **Litigation:** We handle a wide range of litigation matters involving franchises and have particularly deep experience in handling intellectual property litigation, breach of contract disputes, noncompete agreement disputes and "Little FTC Acts" franchisee countersuits involving state-level consumer

protective statutes.

Vorys is proud to have earned national recognition for “**Franchise Law**” in the *U.S. News – Best Lawyers*® “Best Law Firms” report annually and to have received top honors as a **Tier 1 firm in Ohio** in the same category.

### Alcohol Beverage Law and Licensing

Vorys provides a full suite of services in the complex and highly regulated area of alcohol beverage law.

We guide developers and landlords through assessing the liquor permit needs of their potential tenants, evaluate the availability of liquor permits under city population quotas and acquire permits for a range of venues, including restaurants and grocery stores.

As lead counsel in multistate transactions, we regularly advise on liquor permit transfer issues and maintain strong relationships with other counsel practicing in this area across the country.

With roots in Ohio, clients rely on us to monitor and analyze legislation pending before the Ohio Legislature and navigate local alcohol laws. In the past few years alone, we have secured hundreds of liquor licenses for a major restaurant chain based in the state.

Our work also involves:

- Advising on liquor liability, advertising and marketing issues
- Advising charitable and non-profit organizations on securing temporary permits to sell alcohol at fundraiser events
- Advising on regulatory matters before the Ohio Department of Commerce Division of Liquor Control
- Defending clients in violation cases before the Ohio Liquor Control Commission
- Establishing community entertainment districts (CED) for urban commercial developments

### News

[News, 1.18.2023](#)

Vorys Expands Nationwide Property Tax Team with Experienced Texas Tax Lawyer

[News, 8.18.2022](#)

115 Vorys Attorneys Named to the 29th Edition of The Best Lawyers in America® List; 33 Vorys Attorneys Named to Best Lawyers: Ones to Watch in America List

[6.29.2022](#)

59 Vorys Attorneys Included in 2022 *Columbus CEO's Best Lawyers*

News, 1.12.2022

Special Episode of the Vorys IP Podcast Focuses on Key IP Cases from 2021 & What to Look Out for in 2022

News, 1.4.2022

More Than 40 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars Lists

News, 1.3.2022

Vorys Elevates 13 to Partner

News, 6.12.2020

Rocco Quoted in *Cincinnati Business Courier* Story on Restaurant Reopenings Amid COVID-19

News, 1.16.2020

Fusonie Quoted in News Stories Regarding Ohio Supreme Court Decision on Ohio Department of Transportation Actions

News, 2.15.2019

Browning Receives 2019 Lexology Client Choice Award

News, 2.3.2010

Vorys Attorneys Represent Jean-Robert de Cavel in Cincinnati Restaurant Dispute

News, 11.2008

Smith and Bridgman quoted in *The Daily Reporter* article "Economy may be first concern for Obama, but labor-related issues follow close behind"

News, 11.3.2008

Teague and Kappel featured in *Legal Bisnow* article "Lobbying Report"

News, *IP Law360*, 8.10.2008

Oldach quoted in *IP Law360* article "Tiffany Appeals In Effort To Force EBay To Police Site"

## Publications

1.13.2023

FTC Proposes Rule to Ban Non-Compete Agreements

Client alert, 12.7.2022

California Court of Appeals Rejects Neutral Rounding Policies

Client alert, 11.4.2022

EEOC Mandates a New "Know Your Rights" Poster

Client alert, 10.3.2022

California Supplemental Sick Leave Extended Again

[Client alert, 9.28.2022](#)

California Requires Additional Pay Disclosures

[Client alert, 5.26.2022](#)

California Supreme Court Rules that Meal- and Rest-Period Premiums Constitute Wages

[Client alert, 4.14.2022](#)

Ohio Enacts Changes to Its Overtime Pay Requirements

[Client alert, 4.11.2022](#)

Massachusetts Employers Are Now Strictly Liable For Treble Damages for Late-Paid Wages

[Client alert, 3.25.2022](#)

Utah Latest State to Enact a Comprehensive Privacy Law

[3.9.2022](#)

New Enforcement and New Rules for Made in USA Claims

[Client alert, 12.23.2021](#)

Federal Vaccine Mandates End-of-Year Roundup

[Client alert, 11.10.2021](#)

Department of Labor Limits Non-Tipped Work

[Client alert, 12.31.2020](#)

Department of Labor's Final Rule Changes the Regulation of Tipped Employees

[Authored article, \*Texas Lawyer\*, 10.15.2020](#)

What Employers May Encounter As Employees Return to Work: A Q&A With Jackie Ford

[Client alert, 5.20.2020](#)

More Considerations for Restaurant and Bar Reopenings in Ohio

[Client alert, 5.8.2020](#)

Ohio Announces Opening Dates For Restaurants and Bars

[Client alert, 3.30.2020](#)

Ohio Governor Mike DeWine Signs COVID-19 Related Legislation

[Client alert, 3.23.2020](#)

Overview of Ohio Department of Health "Director's Stay at Home Order"

[Client alert, 3.22.2020](#)

Ohio Department of Health Director Issues "Stay at Home Order"

[Client alert, 11.20.2018](#)

*Client Alert:* Ohio Law Cements a Link for Blockchain Technology

Client alert, 3.12.2018

*Client Alert:* Ohio General Assembly Expands the Ohio Department of Taxation's Authority in Connection with Liquor License Renewals and Transfers

Authored article, *Franchising World*, 12.27.2017

Four Questions to Consider When Construction Impacts Your Business

Authored article, 2015

Mergers and Acquisitions for Distributors: Expert Advice for Buyers and Sellers

Client alert, 8.18.2014

*Client Alert:* Five Considerations When Selecting a New Brand

Client alert, 2.11.2011

*Client Alert:* California Supreme Court Rules that ZIP Code is Personal Information Under the Song-Beverly Credit Card Act

## Speaking Engagements

12.14.2021

2021 NLRB Developments: OSBA/NLRB Regions 8 & 9 Annual Seminar

11.8.2021

OSHA's Private-Sector Vaccination/Testing Mandate

5.14.2020

Vorys On Call: Coronavirus - Return to Work Preparedness

6.26.2019

COAACC Classroom

11.30.2018

CLE Conference

11.7.2018

Keep Ohio Beautiful Annual Meeting & Award Program

11.2.2017

2017 Akron Labor and Employment Seminar

10.6.2017

Annual Fall Ohio Conference

10.5.2017

2017 JASCO Economic Business Seminar



10.4.2017

Ohio Athletic Conference Professional Development Conference

2.5.2010

Preparing for the 2010 Proxy and Annual Report Season

Presented by Vorys, Sater, Seymour and Pease LLP