



Hospitality



LIQUOR LIABILITY

PREMISES LIABILITY

RESTAURANT LIABILITY

CONSTRUCTION

LABOR & EMPLOYMENT

HOSPITALITY

The attorneys of Lewis Brisbois' Hospitality Practice possess a vast quantity of collective knowledge and experience in providing legal services to clients in the hospitality industry. Our hospitality attorneys are available nationwide to assist our clients in virtually any area of the law.

Hospitality Litigation

Our litigators are experienced trial attorneys who represent members of the hospitality industry in all types of disputes in state and federal courts across the nation. We represent hotels and restaurants in litigation

involving premises liability, negligent security, liquor liability, franchise disputes, employment and labor, contract disputes, environmental matters (including California Proposition 65 claims), construction, bankruptcy, and intellectual property. In addition, we have extensive experience in government regulatory matters involving zoning, licensing, and environmental disputes.


Liquor Liability

The firm successfully defends bars, taverns, hotels, and other social organizations against claims from third-parties for injury or death from the sale of alcohol to intoxicated patrons or minors. Lewis Brisbois Bisgaard & Smith LLP has been successful in dispositive motions involving dram shop liability, and seek cost-effective dispositive motions whenever possible. The firm effectively negotiates low settlements in cases involving serving alcohol to underage persons.

Premises Liability

The Firm regularly defends hotels, casinos, restaurants, and sports and entertainment venues in a wide variety of premises liability actions, including claims for slip/trip-and-fall, criminal conduct of third parties on the premises, negligent security claims, false imprisonment, and claims involving food borne illness.

The group's recent success in defending premises liability matters include:

- Jury defense verdict in a federal matter against a property owner for personal injuries from falling on a wheelchair ramp;
 - Defense verdict in a case involving claims of inadequate security procedures by a Las Vegas casino and hotel leading to personal injuries when a fight broke out between casino patrons;
 - Defense judgment in a claim of negligent security where a berserk patron shot a fellow Las Vegas Casino guest to death over a jackpot.
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Restaurant Liability

The firm has established a Restaurant Litigation Team (“RLT”) comprised of a diverse, cohesive team of trial attorneys with experience in investigating and defending complex premises liability, food safety, food handling, and franchisee/franchisor agreements and disputes.


As members of the National Restaurant Association, our attorneys have demonstrated a commitment to defending the food and restaurant industry against claims of food borne illness, unsafe food handling practices and adulterated products. Every RLT attorney is equipped to review the medical evidence and make decisive, early assessments about the potentially causative pathogens and factors, as well as identify compliance food safety standards set forth in the Food and Drug Administration’s Food Code, along with the various states. Our clients receive immediate attention to any “outbreak” claims and can expect a streamlined litigation protocol for controlling the media, identifying potential pathogens, working with the involved health departments, and securing all available contribution and indemnification in the chain of distribution.

Construction

Lewis Brisbois Bisgaard & Smith LLP has a well established team of attorneys who have successfully defended hotels, casinos, restaurants, and sports and entertainment venues in a wide variety of construction projects. The team has a stellar record defending cases involving alleged design and construction defect, and construction fee disputes. The firm's construction defect lawyers have tried cases in virtually every area of construction in commercial projects.

The firm also maintains an active surety and fidelity bond practice with experience in fidelity issues ranging from license bonds to complex international fidelity investigations, commercial surety and contract surety. Our attorneys have extensive experience in investigating employee dishonesty policies, financial institution bonds, and other types of fiduciary bonds.

The Construction Practice Group also has demonstrated experience in the interpretation and litigation of claims arising out of indemnity agreements and additional insured endorsements, as well as expansion projects, real estate disputes, disputes surrounding construction of franchised establishments, disputes with unions, disputes with franchisors, disputes between owners, tenants, contractors and suppliers and generally in the context of contract negotiation, mediation, arbitration, and litigation.



Labor & Employment

Our more than 80 attorney Employment Practices Department represents clients in all phases and types of employment litigation, counseling, training, and collective bargaining. Our team of employment professionals are spread throughout our locations across the United States and provide our hospitality clients with sound counsel in dozens of jurisdictions. Our size and geographic coverage allow us to provide our employment clients with consistent representation throughout the nation. While the bulk of our time is spent defending employers in litigation, from a general philosophical standpoint, our team focuses on preventing litigation and reducing exposure to our clients. However, while sound policies, training, and self-auditing generally prevent significant problems, sometimes employment litigation is inevitable. In those instances, due to the sensitive and volatile nature of employment litigation, our attorneys formulate early and aggressive strategies to resolve matters. When early resolution is impossible, impractical or undesirable, we try cases. Every year, our Employment Practices Group tries many lawsuits, and participates in many more arbitrations and administrative hearing proceedings.

Corporate & Real Estate

The firm's Corporate and Real Estate departments are equipped to help with advice and counsel to address your specific hospitality needs, including:

- Business and corporate matters
 - Corporate finance issues
 - Real estate and land use
 - Labor and employment
 - Acquisitions and sales
 - Environmental issues
 - Zoning
 - Land use and permitting
 - Architectural and construction contracts
 - Management and operating contracts
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- Ground and air rights
 - Leasing and concession agreements


We also have a number of LEED® Accredited Professionals in different practice areas to provide counsel and representation to hospitality companies that are involved in green construction and renovation or implementing environmental policies.

Bankruptcy & Reorganization

The attorneys in our Bankruptcy and Insolvency Department are skilled at representing both debtors and creditors in the hospitality industries in bankruptcy courts across the nation.

The Bankruptcy and Insolvency Department assists businesses in formulating and carrying out creative problem-solving strategies when they are faced with insolvency, either their own, or that of a customer or borrower. Our bankruptcy attorneys represent clients with diverse interests, including companies and individuals who are reorganizing, bankruptcy trustees, plan disbursing agents, lenders, landlords, and acquirers of assets from bankruptcy estates. We have represented clients in all aspects of contested matters and adversary proceedings, including fraudulent conveyances, preferences, relief from stay motions, non-dischargeability actions, trustee motions, and the entire range of litigation that arises in bankruptcy cases, including appeals. The Department includes two attorneys who serve as Chapter 7 Panel Trustees and have served as Chapter 11 trustees in numerous bankruptcy cases.

In addition to its Bankruptcy/Insolvency practice, the Department also is responsible for general business transactions, specifically:

- The Department assists clients with out-of-court workouts as well as in structuring real and personal property asset sales and/or purchases;
 - Represents Assignees for the Benefit of Creditors; and
 - Coordinates with our Real Estate Department in structuring or addressing commercial lease issues.
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Government Relations & Regulatory Law

Our attorneys assist hospitality clients through the administrative, regulatory and legislative processes of local and state governments. Our experience includes handling matters of concern to the hospitality industry, including matters involving corporate, real estate, environmental, litigation, taxation, and land use. We have significant past experience and maintain ongoing relationships with regulators – experience that is very helpful to our clients in today’s increasingly regulated environment.

