

## Manufacturing

### Overview

Helping manufacturing companies succeed has long been a cornerstone of our practice at Munsch Hardt. Our attorneys combine extensive industry knowledge, legal experience and business savvy, drawing on the full resources of the Firm to provide timely, practical and cost-effective guidance.

We maintain long-term, trusted relationships with clients ranging from global household names, such as leading mobile communication and automobile manufacturers, to rapidly-growing, mid-sized businesses. Our team is dedicated to going the extra mile to earn each client's trust and become a valued member of its inner circle. Clients encompass manufacturers and distributors from the following economic sectors:

- Aerospace & Aviation
- Agriculture
- Automotive
- Biotechnology, Chemical & Petrochemical
- Commercial & Industrial Products
- Consumer Products
- Construction
- Defense
- Energy, Including Pipelines & Refineries
- Firearms & Ammunition
- Food & Beverage
- Health Care
- Machinery & Heavy Equipment
- Mobile Communications
- Pharmaceutical & Medical Device
- Retail
- Transportation
- Utility

At Munsch Hardt, you will find a team of fully equipped attorneys prepared to manage every dispute, transaction and compliance issue your business may encounter. Guided by hands-on senior attorneys who personally design and execute proactive strategies tailored to each unique phase of a legal matter, our attorneys focus on responsiveness to your needs and the desire to learn about every aspect of your business.

We bring together a versatile legal team – real estate, corporate, litigation, bankruptcy, finance, tax, employment and much more – to assist your business's growth while also helping you overcome the numerous challenges that inevitably accompany growth. Our core competencies include:

### **BANKRUPTCY, RESTRUCTURING & INSOLVENCY**

Recognized by *Chambers USA* since 2005, our Bankruptcy, Restructuring & Insolvency group has extensive experience representing all major constituencies in bankruptcy, restructuring and insolvency matters. We are adept at every facet of the bankruptcy and restructuring process, which allows our clients to better evaluate possible outcomes, develop strategies, assess risks and ultimately plan for the future.

## CONSTRUCTION

We regularly represent manufacturers who face construction controversies over project defects or delays after building or expanding a facility. Our attorneys also help manufacturers prepare architectural, design, construction and construction supervision contracts that work to reduce the likelihood of disputes. Our goal is to tailor contract provisions to limit your risks as a building owner and ensure timely completion. However, when disputes arise, we are skilled at working with our clients to preserve and analyze project documents and correspondence, including change orders, to identify the responsibility for defect and design claims.

## CORPORATE & SECURITIES

We represent dynamic, growing businesses in transactions and other matters that are critical to their success. Our services include mergers and acquisitions; venture capital; private equity; family office investments; business succession planning; technology contracts and intellectual property licensing; corporate governance and special board committees; securities offerings and capital raises; outsourced counsel services; executive compensation; joint ventures and transactional tax planning and controversies

## ENVIRONMENTAL

Whether embarking on the development of a new facility or looking to stay compliant with all environmental regulations, manufacturers can trust Munsch Hardt's Environmental attorneys to guide them through the environmental compliance requirements associated with manufacturing processes, including those related to siting and permitting, environmental due diligence, EPA regulations, hazardous byproducts, emissions, recycling, waste and disposal methods. We also regularly represent our manufacturing clients in civil and criminal cases brought under CERCLA, RCRA, TSCA OSHA, Clean Water Act and the Clean Air Act, as well as in toxic tort claims.

## FINANCE

When clients partner with Munsch Hardt, they partner with some of the best and most experienced finance attorneys in the industry. In fact, there are few law firms involved in as many complex lending transactions as Munsch Hardt. Our Finance attorneys represent lenders from a variety of disciplines within the industry, including banking institutions, non-regulated lenders, private equity and hedge funds, as well as domestic and foreign financial institutions in a broad range of transactions.

## IMMIGRATION

Munsch Hardt's Immigration team assists manufacturing companies with virtually all of their U.S. immigration matters. Common immigration solutions for our manufacturing industry clients include: E-1/E-2 Treaty Trader/Treaty Investor Visas; H-1B and TN Temporary Worker Visas; H-3 Trainee Visas; L-1A/L-1B Intracompany Transfer Visas and O-1 Extraordinary Ability Visas.

## INTELLECTUAL PROPERTY

The Firm assists manufacturing clients in protecting and enforcing their rights in patented inventions and technology, trademarked products and services, copyrighted works, confidential and proprietary trade secrets, negotiated license agreements and other business agreements involving intellectual property assets. We can be your single point of contact to protect your intellectual property assets throughout the U.S. and abroad. We can help you defend and enforce the copyrights, trademarks and patents associated with your products, as well as your manufacturing processes and your brand.

## LABOR & EMPLOYMENT

Munsch Hardt's Labor and Employment attorneys regularly counsel our manufacturing clients regarding safety and OSHA matters and traditional labor issues, but it doesn't end there. We can also be a source for you and your HR department for advice on general employment matters, including policies, workplace issues, employment agreements, compensation and benefits plans, employee disputes, immigration and wage and hour compliance.

## LITIGATION

Manufacturing businesses increasingly focus on avoiding litigation and risky trials. While Munsch Hardt's Litigation attorneys excel at resolving high-exposure commercial, employment and personal injury cases at trial, we also deliver excellent value with the creative ways we resolve these disputes without ever setting foot in a courtroom. We design risk avoidance systems that proactively minimize or eliminate our clients' litigation exposure and enable them to concentrate on building and managing their businesses. Understanding the intricacies of the manufacturing industry, our highly experienced trial team knows that each dispute and claim is different. Whether the solution is an aggressive motion practice, mediation, arbitration, bench or jury trial, our goal is to deliver outstanding results for your business while preserving your resources and protecting your strategic relationships.

## PRODUCTS LIABILITY

Our attorneys have defended thousands of trials and appeals of wrongful death, catastrophic personal injury and other product liability claims brought against product manufacturers and sellers. The key to our success is developing thorough knowledge and understanding of how products work and how they are designed, tested and manufactured. In addition to having ready access to experts and investigators who will assist us in defending your product, we are also skilled at working with in-house engineers, scientists and quality control professionals. We excel at effectively communicating the design and manufacturing process to jurors.

## REAL ESTATE

Growing manufacturing companies need experienced counsel with a strong knowledge of real estate law. From simple purchases and sales to complex development projects involving the coordination of multiple parties and numerous sources of financing, our Real Estate team offers a complete menu of national-scope services to our manufacturing clients. We also assist with facility leases as well as major corporate relations, and offer vast experience in land use and zoning matters, including appearances before various zoning and planning boards.

## TAX

Due to the industry's capital-intensive nature, manufacturers are exposed to taxation at every level of government. Munsch Hardt's Tax attorneys help clients remain compliant, while minimizing the impact of taxes on their bottom line. We work with representatives from manufacturing clients to plan for the tax implications of business transactions, structure incentive compensation arrangements for key employees and resolve federal and state tax controversies.

## Experience

### Corporate Relocation

Represented a publicly-traded manufacturing and distribution company in the relocation of its corporate headquarters from California to Texas, where it constructed an approximately 550,000 square foot headquarters and manufacturing/distribution facility costing approximately \$100 MM. The Firm represented the company in all real estate aspects of the relocation, including selecting the site and developer, performing due diligence, acquiring the land, entering into necessary agreements with the developer, general contractor and other parties, consummating a unique 1031 exchange structure, resolving construction issues and handling a sublease so the company could move personnel to Texas prior to completion of the facility.

## Energy Deal of the Year

Represented a manufacturer of wellhead products in its sale to a diversified, global private equity fund. The deal won M&A Advisor's 2015 "Energy Deal of the Year" (up to \$100 MM) and involved a combination of cash and equity.

## Consumer Class Action Defense

Defended one of the largest mobile communications companies in the world in a putative class action case in Madison County, Illinois. The case involved an alleged design/manufacturing defect in three million mobile phones.

## Environmental Litigation

Represented a railcar manufacturer initially in an enforcement action brought by the Commonwealth of Pennsylvania, then in derivative civil litigation against a predecessor owner of a manufacturing facility located in western Pennsylvania. The enforcement action was resolved on terms whereby the Commonwealth dismissed several felony counts against our client for alleged violation of Commonwealth environmental laws, and entered a consent agreement authorizing the client to pursue civil litigation against entities responsible for environmental contamination. In an ensuing civil trial in the United States District Court for the Western District of Pennsylvania, our Litigation team obtained a \$5.27 MM judgment against a predecessor owner, with interest, costs and percentage allocation of all future costs for an ongoing environmental response.

## Contract Counsel

Represented one of the largest automotive manufacturers in the world in multiple projects drafting and consolidating nationwide contracts.

## Personal Injury Coverage

Represented a foreign tire manufacturer in multiple cases in different jurisdictions regarding personal injuries alleged resulting from rollovers involving defective tires. The Munsch Hardt team analyzed the coverage positions and claims handling of the primary and excess carriers, defended claims made by those carriers and made a reimbursement claim against one of the carriers. Ultimately, all personal injury claims were settled, and all claims against the carriers were successfully resolved.

## Borrower Representation

Represented a U.S. subsidiary of a South Korean manufacturer in a \$20 MM revolving credit loan for acquisition of inventory and general corporate purposes, including financial covenant terms and subordination agreement - comfort letter from the parent.

## Products Liability + Wrongful Death

Represented a large international manufacturer of plastic pipe. The pipe was used to transport water at an oil well drilling site and, because the water was extremely hot, the pipe burst and caused a sinkhole. An oilfield worker fell into the sinkhole, which was full of boiling water, and was burned. He survived ten days and then died of his injuries. The plaintiff sued the manufacturer of the pipe, seeking several million dollars. The case was tried in south Texas, and the jury found that the pipe was not defective, completely exonerating the manufacturer.

## Manufacturing Immigration Counsel

Represents one of the world's leading pump manufacturers on all immigration-related matters, including processing L-1A and L-1B visas through the Company, L-1 Blanket Program for its finance managers, engineering managers and professional engineers.

## Intellectual Property Litigation

Served as counsel for a major sporting goods manufacturer in a complex trademark and trade dress case against an importer, resulting in agreed injunction and damages.

## DOL Investigation

Represented a manufacturer in investigation by the Department of Labor (DOL) into a claim of non-compliance with the Family and Medical Leave Act (FMLA). The Firm guided the manufacturer through the investigation process and assisted in gathering documentation and information requested by the DOL. Ultimately, the Firm negotiated a favorable resolution on our client's behalf that included no fees or penalties.

## Products Liability

Defended a major firearms manufacturer in multiple cases involving alleged product defects, including significant issues arising from the Texas Statute of Repose.

## Practice Leaders



**James Jordan**

Dallas  
214.855.7543  
jjordan@munsch.com



## Mark Kopidlansky

Dallas  
214.855.7580  
[mkopidlansky@munsch.com](mailto:mkopidlansky@munsch.com)

### Related People

Frederick Addison  
Huma Ali  
James Bettis  
William Cavanaugh  
Andres Contreras  
Eddy De Los Santos  
Mark Deaton  
William Zac Duffy  
Ian Fairchild  
William Finegan  
Todd Frank  
Mark Girtz  
Charles Guerin  
A. Michael Hainsfurther  
Steven Harr  
Clifford Harrison  
Nathaniel Hopkins  
Michael Huddleston  
Winston Huff  
Christopher Jordan  
James Jordan  
Robert Kibby  
Nolan Knight  
Mark Kopidlansky  
Michael Krywucki  
Rachel Magaziner  
Nicole Manley  
D. Mitchell McFarland  
Emily Means  
Randall Miller  
Daniel Pipitone  
Irina Plumlee  
Dr. Chad Ray  
James Ray  
David Roth  
Richard Schwartz

Dennis Siaw-Lathey  
Kala Simpson  
Garrick Smith  
Christopher Speer  
Brandon Stendara  
William Toles  
Nathan Vrazel  
B. Lee Wertz  
Steven Williams

## Related Practices

Bankruptcy, Restructuring & Insolvency  
Corporate & Securities  
Finance  
Immigration  
Intellectual Property  
Labor & Employment  
Real Estate  
Tax  
Litigation  
Environmental

## Related Industries

Financial Services  
Construction  
Energy  
Health Care  
Insurance  
Retail  
Technology & Telecommunications  
Transportation

## Newsroom

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**In The News:** Jury sides with company in industrial death of employee

**In The News:** Trial begins in wrongful death lawsuit of man crushed by hydraulic lift

**Press Release:** Munsch Hardt Adds Seasoned Investment Management Partner in Dallas, Litigation Associates in Houston

**Article:** Jim Jordan Offers Tips on Drafting Autonomous Vehicle Contracts in Law360

**Press Release:** Munsch Hardt Launches Blog, Brings Attention to the Latest in Immigration Law

**In The News:** Trinity Industries pursues \$4.4 MM claim after EPA-FBI agents' extramarital affair

**In The News:** Dallas Law Firm Moves Into New Houston Digs