

Retail

Overview

Consumer buying patterns have changed dramatically in recent years, and traditional retail business models are evolving in response to current economic pressures and consumer demands. Today, key players in the retail industry need a full-service law firm with the size and skills necessary to respond rapidly to the challenges and opportunities of the dramatically changing retail marketplace. They need a law firm knowledgeable of and experienced in their industry. In short, they need a law firm like Munsch Hardt. We help retail clients conduct business transactions, resolve disputes and navigate government regulations so they can grow and prosper. Whether you are seeking capital, restructuring your business, dealing with workforce issues, trimming tax burdens or settling disputes, Munsch Hardt's integrated team of attorneys is ready to help address today's concerns and prepare for future endeavors.

Our retail clientele encompasses traditional and online retailers, chain stores, big box stores, anchor tenants, developers, and investors, as well as manufactures, distributors, wholesalers, and fulfillment centers who specialize in a variety of products, including:

- Beauty and cosmetics
- Car dealerships
- Consumer electronics
- Fashion, apparel and luxury brands
- Fitness centers
- Food and beverage
- Furniture
- Gas stations
- Grocery
- Location-based entertainment operators
- Office supplies
- Online services and products
- Restaurants
- Shopping centers
- Specialty retailers
- Sporting goods
- Toys
- Urgent care and emergency room operators

Below is an outline of the services we most frequently provide to our retail clients:

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.

CORPORATE & SECURITIES

Consumer retailers rely on Munsch Hardt's business-minded attorneys to help grow and sustain their operations. Our attorneys assist clients with mergers and acquisitions, joint ventures and partnering arrangements, private securities offerings, reorganizations, venture capital and other financing transactions. Our Corporate and Securities lawyers also work closely with the firm's Tax group to employ structures designed to maximize tax benefits available to our clients.

DATA PRIVACY & SECURITY

In today's society, it is crucial for retailers to manage data privacy and security matters in order to comply with growing regulations and best practices. Our team can provide you with technical and legal counsel on an array of issues, from mobile apps and mobile device management to monetizing on-premises traffic, to marketing and utilizing social media platforms, to identifying gaps in your privacy policy. We can also help prevent or deal with data and security breaches, as well as respond to federal and state regulator inquiries and investigations.

ENVIRONMENTAL

Retail operations can often give rise to environmental concerns. We can help you develop and implement compliance programs to avoid adverse impacts and assist in mitigating, remediating and litigating issues that may arise in order to protect both the environment and your business interests.

FINANCE

Developing, manufacturing, distributing and selling consumer products requires significant financial capital. Our team offers extensive experience with all forms of financing and can help you secure the necessary funding for your operations from virtually any source, including commercial lending, structured finance, private equity and venture capital. A unique aspect of our practice includes specialists who advise on issues related to consumer credit, payment services and e-money regulations.

INSURANCE

Potential liability issues are an ever present concern for companies engaged in consumer products. We can help you anticipate risks and protect your interests through effective insurance planning. Our team is also accomplished at negotiating with insurance providers in order to obtain substantial recoveries on behalf of our clients.

INTELLECTUAL PROPERTY

With the rapid pace of product advancements in today's world, your intellectual property is likely one of your company's greatest assets. Our team can help you protect and optimize the value of your products through licensing and the registration and enforcement of copyrights, patents, trademarks and trade dress. We also represent retailers and manufacturers in patent, trademark, copyright and unfair competition litigation, as well as companies that manufacture, market and distribute products for sale by traditional retailers.

LABOR & EMPLOYMENT

Our Labor & Employment group spans all three of the firm's offices. We are able to shepherd clients through common employment issues such as policies, training and benefits, as well as issues of significant importance to your industry such as the drafting and enforcing non-compete provisions and protecting trade secrets. In addition, we represent your interests in labor relations and defend you against claims arising out of strained employment relationships as well as aggressive class action litigation.

LITIGATION

Business disputes and liability claims are common within the competitive world of retail and consumer products and our clients include, landlords, tenants/retailers, owners, operators, manufacturers and distributors. Our team can help you resolve your disputes through various methods, including negotiation, settlement, alternative dispute resolution and, when necessary, trial. In addition to general commercial litigation, our lawyers are skilled in antitrust and competition litigation, securities and shareholder litigation, insurance litigation and real estate litigation.

REAL ESTATE

Companies engaged in the manufacturing, distribution and sale of consumer products require significant real property holdings to conduct their business. This often ranges from standalone stores to shopping centers to chain stores with locations throughout the United States. With one of the largest real estate practices in the southwest, our team is accustomed to helping in the acquisition, disposition, development, financing, and leasing (landlord and tenant) of the real estate necessary for your operations.

Experience

Online Retailer Acquisition

Munsch Hardt represented the largest eBay Motors dealership in the world in its sale to the premier online retailer of pre-owned cars. The purchase price was in excess of \$100 MM and involved a combination of cash and equity. The acquisition won Midsize Deal of the Year (\$25 MM to \$149 MM) at the 2016 Mergers & Acquisitions Awards ceremony hosted by *D CEO* and the Association for Corporate Growth.

Retail Capital Raise

Represented a garden and home furnishings store in a capital transaction.

Retail Acquisition of Common Stock

Represented the global leader in consumables retailing in its acquisition of one hundred percent of the common stock of a point-of-purchase promotions company, which was the largest acquisition in purchaser's history.

Retail Pharmacy

Represented multiple wholesale and retail pharmacies, including a national pharmacy provider, on a variety of health care regulatory, compliance and state licensing issues.

Retail Lending

Represented two national banks in completing six loan transaction closings in four days for various lenders. The Munsch Hardt team worked with different borrowers to close the loans for the construction and/or renovation of industrial and retail sites around the country, including South Carolina, West Virginia and Texas.

Retail Leases

Represent one of the nation's largest manufacturers, distributors and retailers of tile and flooring materials in leases throughout the United States.

Practice Leaders



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Related People

Toni Swanger
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Michael Franklin
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Charles Guerin
A. Michael Hainsfurther
Michael Harvey
Kathleen "Kitty" Henry
Anne-Alise "Ali" Hinckley
Monte Hurst
Christopher Jordan
James Jordan
Sameer Karim
Michael Krywucki
Jana Lambro
Kevin Lippman
Nicole Manley
Andrew McDonald
Randall Miller
Ryan Mitchell
Deborah Perry
Irina Plumlee
Sara Prasatik
David Roth
Susan Sample
Zachary Schneider
Garrick Smith
Christopher Speer

Marc Taubenfeld
Hunter Taylor
William Themer
William Toles
Frances Tubb
Glenn Valentine
Fred Wahrlich
Kelly Wise

Related Practices

Bankruptcy, Restructuring & Insolvency
Corporate & Securities
Banking & Financial Services
Intellectual Property
Labor & Employment
Real Estate
Litigation
Environmental

Related Industries

Construction
Insurance

Newsroom

Press Release: Munsch Hardt Announces Opening of a Fort Worth Office

In The News: Litigation Roundup: ERCOT Scores Another Win in Winter Storm Uri Case

In The News: Munsch Hardt's Summer Surge: New Faces, New Practices

Newsletter: COVID-19: Return-to-Work Checklist for Employers

In The News: Former Conn's In-House Lawyer Booted From Case 'Substantially Related' to Her Old Job

In The News: Retailer Conn's Says Ex-Counsel's New TCPA Suit Improper

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

In The News: Exclusive: Up a billion, Legacy West development value reaches \$3.2 B

In The News: Female Powerbroker Q&A: Munsch Hardt's Deborah Perry