

# Transportation

## Overview

The transportation of goods and individuals from one location to another is one of the largest, most sophisticated – and in recent years, transformational – industries in the nation. For more than 30 years, Munsch Hardt has been representing many of the industry's most elite players, including a global automobile manufacturer, the country's largest bus transportation company, aviation and airport businesses, armored truck companies, energy pipelines, maritime companies, commercial cargo carriers, waste management companies, motor coach manufacturers and one of the largest mobile technology companies in the world.

With deep knowledge of the transportation industry's various operational components and a multidisciplinary approach, Munsch Hardt is able to provide strategic counsel to clients on a wide array of business and adversarial matters, ranging from corporate and real estate transactions, regulatory compliance and restructuring to all types of litigation, labor and employment issues, technology development and environmental considerations.

In addition, our team provides legal consultation, contract drafting and practical insight to clients within the autonomous vehicles industry. To succeed in this rapidly developing, cutting edge marketplace, clients need a law firm with vast experience, as well as a deep understanding of the key business issues driving change within the industry.

Many transportation clients gravitate to Munsch Hardt to take advantage of our incredible versatility in managing every litigation dispute their businesses will encounter. While our litigators have deep experience before many courts throughout the country, our familiarity with the major courthouses in Texas is second to none. We've litigated transportation disputes before dozens of juries, and with that experience comes efficiency and a strong element of predictability. Our clients know their potential exposure long before we ever set foot in the courtroom and are able to make informed business decisions about whether to settle or try a case.

Munsch Hardt attorneys also are focused on streamlining and improving unique aspects of clients' operations. Whether it's designing custom templates for contracts that clients use on a daily basis or developing new strategies for protecting their software technologies and other intellectual property assets, we're constantly looking far down the road and exploring new ways to increase efficiency and enable their businesses to grow.

Specific areas of expertise 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**

With one of the strongest construction practices in Texas, we offer extensive experience in contract negotiation and document preparation in relation to all phases of the investigation, development, design, management and construction of projects of all sizes and character. We also counsel our clients on resolution of construction disputes, including contract litigation and arbitration, contract termination, insolvency, defect litigation, dispute resolution, lien perfection, lien litigation and virtually all types of construction litigation.

We'd like to draw special attention to our Public-Private Partnership team, which is comprised of experts from our finance, construction and real estate teams. These attorneys represent private-sector clients as well as public agencies in the development of public-private partnerships in transportation infrastructure, including bridge, highway, port, rail and transit projects.

## 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

Transportation operations give rise to environmental concerns and the threat of an impact is prevalent. Our Environmental attorneys help clients develop and implement compliance programs to avoid such impacts and, in the event an impact occurs, we assist in reviewing, mitigating, remediating and litigating the impact in order to protect both the environment and our client's business interests. Our attorneys advise clients in the event of hazardous material spills or releases, claims of water and soil contamination, clean-up obligations, various environmental compliance matters, Department of Transportation inquiries, as well as in eminent domain issues that may arise. We frequently are engaged to represent parties in condemnation, eminent domain and regulatory takings as well as NEPA and Hazardous Materials Transportation Act matters.

## 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

Our Immigration team focuses heavily on the transportation industry, assisting our clients' employees in temporary and permanent immigration proceedings as well as intracompany transferees from sister companies around the world.

## INTELLECTUAL PROPERTY

Innovation in the field of transportation can result in intellectual property across any and all of the four IP regimes: patents for securing the exclusive rights to your inventions; trade secrets for protecting the confidential information underlying your processes and techniques; copyrights for your written protocols, as well as the creative manner in which you present your innovation through your website, and other marketing materials and trademarks protecting the branding that ties each of the previous assets into a valuable business. At Munsch Hardt, our team of dedicated transactional and controversy IP attorneys can be your single point of contact to protect your intellectual property assets in Texas and throughout the United States.

## LABOR & EMPLOYMENT

Our team of Labor and Employment attorneys are poised to guide clients through common employment issues such as policies, training and benefits, as well as issues of importance to the transportation industry, such as OSHA, FLSA and workplace safety. In addition, we represent management interests in employment disputes and labor negotiations, defend companies against discrimination claims, and handle acute situations involving terminations, covenants not to compete and a myriad of other issues.

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## LITIGATION

The Litigation attorneys within our Transportation Industry group are true trial attorneys, comprised of individuals who have successfully tried more than 100 transportation-related cases to verdict. Many of these cases involve catastrophic accidents, such as personal injury and wrongful death suits. Working with experts, accident investigators and reconstructionists who will be on the scene right away, we ensure all evidence remains intact, witness information is gathered and the cause of an accident is accurately assessed.

In addition to personal injury and wrongful death cases, the Firm also has a team of attorneys who focus on the autonomous vehicle industry, sophisticated warranty litigation, as well as vendor disputes, MSA disputes, technology-related contract disputes and disputes arising out of bidding contracts. Munsch Hardt is uniquely positioned in the autonomous vehicle space, and we offer our clients the practical guidance necessary to navigate this cutting edge legal landscape. Our multi-disciplinary team works with clients to create customer and supplier agreements, as well as shared-ride contracts, that minimize potential liability and avoid costly disputes.

## REAL ESTATE

Our Real Estate practice helps clients with all of their real estate needs in connection with transportation operations, including acquisitions, leasing, financing, joint development and transit-oriented development. Properties range from headquarter, office and retail leases to the development of airports, terminals and hangars. In addition, our team includes a land use expert who regularly represents our clients' interests before government agencies on matters including land use and zoning, permitting, condemnation, right-of-way and trackage rights.

## TAX

Additionally, we represent transportation, shipping, and logistics businesses in business transactions. Business transactions often have significant tax implications. Our Tax attorneys advise clients on strategies to achieve tax efficiencies and comply with applicable tax laws with a goal to minimize tax costs and business risks. Our team is also experienced in handling tax disputes at both the federal and state level and have a keen sense for tailoring negotiation strategies to obtain favorable resolution of disputes effectively and efficiently.

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Regardless of whether a matter is a sophisticated real estate deal for a national carrier or a high-exposure business or personal injury dispute involving a local bus company, our integrated service model and lean staffing approach enable us to design cost-effective and impactful solutions that other firms cannot deliver. Munsch Hardt attorneys are fully committed to developing growth strategies that will consistently empower our client's business to rise to the next level, remain several steps ahead of competitors, aggressively expand their market share and avoid liability risk.

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## Experience

## Acquisition + Disposition + Lease

Representing a Dallas-based aircraft leasing company in its acquisition, refurbishment and sale of used commercial aircraft and engines, as well as general corporate matters. We recently represented the company in the purchase and sale or lease of a number of CFM56 model engines; the purchase and sale of a Boeing 737-300 aircraft; the purchase and sale of two Boeing 737-400 aircrafts and the conversion of one of the airframes from passenger configuration to freighter configuration. We are currently representing the company in the negotiation of the purchase and sale of five Boeing 757-223 aircrafts, each of which will be converted to freighter configuration.

## Contract Counsel

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

## Negligence + Personal Injury

Defended a large waste disposal company, whose driver backed his waste truck into another vehicle, resulting in injuries to the other driver. The other driver filed suit in excess of \$3 MM in damages, alleging a complete inability to work from the damages a double operated back injury. The jury found that the plaintiff was at fault and also found that his alleged injuries were not caused by the accident.

## Real Estate Development

Represented air cargo facility developers in the development of on-airport and off-airport facilities in Alaska, Florida, Illinois, Texas and Austria including a \$60 MM facility at O'Hare International Airport in Chicago, Illinois.

## Transportation Immigration Counsel

Represents the largest provider of intercity bus transportation with temporary and permanent immigration proceedings for executive and professional personnel.

## Committee Representation

Represented a jet fuel supplier as the former chair and member of the executive committee of the Official Committee of Unsecured Creditors in the initial reorganization case of an airline.

## Industrial Lease

Represented the industrial developer in negotiating a 341,000 rentable square foot lease for a trucking company in one building of a business park. Because the building was not yet complete, the transaction also required negotiation of an additional lease in another existing building, as well as relocation logistics and the like.

## Breach of Contract

Defended one of the largest bus transportation companies in the world in a jury trial in federal court in Montana. The case involved a \$100 MM damage claim for an alleged breach of a software licensing contract.

## Bankruptcy Representation

Represented a major catering company in an airline bankruptcy cases throughout the United States including Eastern Airlines, Continental Airlines and Alaska Airlines. The representations included pre-bankruptcy planning for numerous financially troubled carriers and bankruptcy related litigation.

## Products Liability Coverage

Represented a large regional car dealership in dealing with its primary, excess and super-excess general liability and umbrella insurers in connection with the defense and handling of a claim involving multiple wrongful deaths with three bystanders. The Firm's convinced the primary carrier it had a conflict regarding its use of captive counsel to defend and worked with the umbrella carrier to assist in hiring a high-level defense and appellate team. Our team also worked to make sure the carriers had all necessary information with which to reasonably evaluate the claim. Despite coverage and evaluation issues, the case was satisfactorily settled well within policy limits.

## Autonomous Vehicles

Represents one of the largest United States bus transportation companies with respect to its autonomous vehicle projects in the United States. Representation includes the drafting of multiple autonomous vehicle contract templates for the purchasing, leasing, operating and maintaining of autonomous vehicles in pilot programs throughout the country.

## Ride-Sharing + Vehicle Transfers

Represents one of the world's largest automobile manufacturers in various matters, including the formation of ride-sharing and other vehicle transfer agreements and templates.

## Practice Leaders



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### Related People

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Clifford Harrison  
Peter Hogue  
James Jordan  
Kristy Le  
Dr. Chad Ray  
Sarah Rogers  
Marc Taubenfeld  
William Toles  
Nathan Vrazel  
Kelly Wise

### Related Practices

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

## Newsroom

**In The News:** Jury Issues \$2M Wrongful Death Verdict in Greyhound Case

**Article:** Suffering Work, a New Road to the Meaning of Employment

**Article:** Car Crash: California's Imbroglio With Uber and Lyft Will Have Lasting Effects on Gig Economy

**Press Release:** Clifford Harrison Selected as Fellow of The Litigation Counsel of America

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

**Article:** CRE Opinion: Autonomous Vehicles and DFW Real Estate

**Press Release:** Munsch Hardt Attorney Closes Two Middle-Market Transactions, Signs Up a Third in Less Than 30 Days

**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

**Article:** Who's Liable For A Crash When It's The Car Driving?

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

**Press Release:** Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office

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