FLASTER GREENBERG
Attorneys at Law | A Professional Corporation

Restaurant & Hospitality

Attorneys at Flaster Greenberg bring skills, knowledge and collective experience to the table when providing legal services for clients in the restaurant/hospitality industry. We practice in areas of the law that apply to the unique needs of individual restaurateurs and franchisers, early-stage restaurant companies, restaurant chains, packaged food companies, licensors, hoteliers, food manufacturers and wholesalers. Whatever your business issues, our attorneys are equipped to help with advice and counsel to address your specific needs, including concerns relating to business and corporate, real estate and land use, labor and employment, litigation including contract disputes, environmental matters, construction, bankruptcy and intellectual property. In addition, we possess deep experience in handling government regulatory matters involving zoning, licensing and environmental disputes.

Flaster Greenberg is a mid-sized business law firm with six offices throughout New Jersey, Pennsylvania and Delaware. Our history in the region and our experience at every level of the industry uniquely position us as the firm of choice for hoteliers and restaurateurs in the tri-state area.

We identify problems and opportunities particular to the restaurant/hospitality industry and provide the perspective needed with regard to:

- Startup funding and organizational matters
- Corporate finance issues
- Purchase and sale of restaurants and their assets;
- Licensing and franchising
- Employee benefit
- Litigation services, including contract disputes and the defense of employment and wage-and-hour suits
- Union organizing campaigns, harassment training, and general labor relations and employment advice
- Alcoholic beverage licensing, compliance and regulatory issues
- Intellectual property issues involving registration and protection of trademarks and patents and litigation of infringement claims
- Real estate, including leasing, zoning and land use issues
- Property tax appeals
- Negotiations and representation in tax disputes with the IRS and state tax authorities

Attorneys

Thomas J. Durling
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- Negotiating and drafting buy-sell agreements and other business contracts
- Construction, including negotiation and monitoring of contracts and litigation of disputes
- Representation of creditors and debtors in bankruptcy

Business and Corporate

Our corporate and tax attorneys have significant experience providing legal services for a wide range of hospitality concerns, including mom-and-pop establishments, chains, franchisors and franchisees, vendors, hotels, breweries and casinos. We have assisted these entities through formation, financing, development and expansion. As your advocates, we ensure that your objectives are met, in addition to satisfying obligations of lenders, contractual partners, and issues of compliance and taxes. Our goal is to be by your side as you grow and to help you realize–-in a tangible way–-the value you build in your business.

Construction

Flaster Greenberg's attorneys have successfully represented clients in hotel, restaurant and stadium construction projects, as well as in 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.

Employee Benefits

The benefits attorneys in our Restaurant/Hospitality Group can provide a full range of services relating to fringe-benefits and retirement planning, from fully insured health plans to flexible spending accounts and from the simplest bonus plans to the most complex 401(k) or phantom-stock plan. In particular, we are experienced in dealing with the many special circumstances that employers in the industry face because their workforces typically include part-time, seasonal and temporary employees, independent contractors, and workers whose compensation includes commissions and tips. Our attorneys can help you design employee benefit programs that comply with the many complex coverage, participation and nondiscrimination rules that apply to employers with such a disparate and multi-faceted work force. Because we recognize that there is no "one size fits all" employee benefit program, our attorneys will craft a plan individual to your specific needs, whether that means attracting or retaining key employees, attuning the incentives of rank-and-file employees with those of the business owners, or providing a tax-favored retirement program for the owners themselves.

Financial Restructuring and Bankruptcy

Whether it is your business that needs protection through reorganization or liquidation, or if one of your suppliers or creditors files for bankruptcy protection, Flaster Greenberg's financial restructuring and bankruptcy attorneys can guide you through the troubled waters of the bankruptcy process. Our attorneys are skilled at representing both debtors and creditors in the restaurant and hospitality industries, in the bankruptcy courts of New Jersey, Pennsylvania and Delaware.

Government Relations and Regulatory Law

Our attorneys assist clients through the administrative, regulatory and legislative processes of the local and state governments in the tri-state region. Our experience includes handling matters of concern to the restaurant and 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–-qualities that are very helpful to our clients in today's increasingly regulated environment.

Labor and Employment

The employment and labor attorneys in our Restaurant/Hospitality Group have the experience and knowledge to help guide you through the maze of laws and regulations that impact your business. We provide clients with practical advice on issues such as tip credits, employee absences and late call, employment of minors, and OSHA issues. We offer guidance on compliance with anti-discrimination, harassment and family leave laws, wage and hour issues, labor relations and union avoidance strategies, and litigation avoidance planning and implementation. In addition, we prepare employment contracts, confidentiality agreements, and non-compete agreements for our client's key staff.

We assist clients to develop policy and employment manuals covering the many federal, state and local government laws and help clients communicate their business goals and expectations to create more productive employees. Our attorneys can provide onsite training programs for managers and supervisors on a variety of legal and human resource topics, to help reduce employment-related risks and to improve productivity and quality of performance.

Litigation

Because disputes are costly and disruptive to normal business operations, our primary goal is to avoid them by putting proactive, preventative measures in place. However, when disputes arise that can be resolved only through the intervention of the courts or other third-party dispute resolution processes, our seasoned trial attorneys are formidable advocates in your corner. Whether you are faced with a vendor claim, wage and hour claim, sexual harassment charge, shareholder/partner dispute or any other type of business claim, our litigators have the experience necessary to resolve these matters efficiently and effectively. We understand the risks and costs associated with litigation and seek to minimize the collateral effects on restaurateurs and hoteliers, while vigorously protecting and advancing their interests. Our litigators are trial attorneys who represent companies in all types and sizes of commercial disputes in the state and federal courts of New Jersey and Pennsylvania and before state and federal regulatory agencies and tribunals.

Intellectual Property

Our Restaurant/Hospitality team includes attorneys who provide consultation in the selection, clearance and registration of trademarks, trade names, trade dress and service marks, preparing applications with state agencies and the United States Patent and Trademark Office. They represent clients in litigation involving infringements of trademark, trade name, trade dress and service marks in cases before state and federal courts, as well as representation in governmental proceedings such as opposition, cancellation and domain name disputes and in appeals to the Trademark Trial and Appeal Board, the Court of Appeals for the Federal Circuit and other appellate courts.

Real Estate

Location is one of the most significant factors in the success of any restaurant or hospitality business. Selecting locations for a proper site or expansion with visibility and easy access means working with clients on developing a set of site selection criteria. Other considerations in addition to costs may include destination concepts driven by demographics and access or locations where impulse dining is high due to the volume of pedestrian traffic. Whether the location selected is in a shopping mall, urban shopping area, strip center or freestanding location, we work with restaurateurs and hoteliers in handling all legal aspects of the construction phase, including negotiation and drafting of contracts. Other aspects include the land use and zoning process (including alcoholic beverage permitting), environmental issues, and letters of intent, contracts, cross-easements, acquisition documents, leases and signage.