



AGRIBUSINESS, BEVERAGE AND FOOD

From family-owned dairy farms to major beverage bottlers and distributors to fine restaurants and specialty service providers, clients trust Bell Nunnally to guide their businesses through the full spectrum of legal advice — from farm to fork and soup to nuts.

Outside General Counsel and Business Advisors

We serve as outside general counsel for many clients, helping them set up new ventures and advising on their ongoing business needs, including:

- Entity formation
- Corporate governance and recordkeeping
- Commercial transactions
- Co-packaging agreements
- Equipment leases
- Real estate, including leases, purchases and sales
- Employment counseling
- Immigration and related issues
- Creditors' rights and collection services for secured and unsecured debt
- Trademark clearance, prosecution and protection

- Trade secret and noncompete agreements
- Regulatory compliance, including FDA, FTC and TABC
- Labeling and advertising compliance

Litigation and Dispute Resolution

When disputes arise, clients turn to us to help them resolve the issue while keeping their business objectives at the forefront. Whether aggressively pursuing a competitor that is infringing on their intellectual property or a violating a noncompete agreement or defending a product liability or recall suit, we keep our legal strategies aligned with your business priorities.

- Business and contract disputes
- Proceedings under the Perishable Agricultural Commodities Act (PACA)
- Intellectual property disputes
- Appeals
- Arbitration and mediation
- Employment claims
- Regulatory proceedings

Representative Experience

- Represented an international beverage licensor in various matters related to the acquisition of unimproved real property and the construction of its corporate headquarters.
- Represented national and international alcohol, food and beverage companies in advertising clearance, copyright and trademark management and licensing, promotions, sponsorships, endorsements and product placement matters.
- Represented a Dallas restaurant chain, obtaining a temporary restraining order against its former owner to prevent the former owner from opening a competing restaurant concept.
- In a series of lawsuits in Texas state court, represented a limited partner in a partnership dispute involving the Starbucks Coffee locations at DFW Airport, the food and beverage concessions at the Dallas Convention Center, and the gas stations at DFW Airport.
- Represented a national restaurant chain franchisee in dispute with its landlord in a multiday jury trial.

- Guided a financial institution in the initial financing and refinancing of a \$24 million purchase of a restaurant chain, including the negotiation of an intercreditor agreement with the mezzanine lender.
- Defeated a TRO sought to halt construction of a restaurant, saving the client significant costs that would have resulted from any delay in the construction.
- Obtained a TRO, a temporary injunction, and a permanent injunction blocking public use of an agricultural railroad crossing and successfully defended the temporary injunction in an interlocutory appeal.
- Represented the operator of a cold storage facility in the sale to a publicly traded REIT of facilities consisting of an 8.6-million-cubic-foot, owned facility in Mansfield with approximately 27,000 pallet positions and a 5.2-million-cubic-foot, leased facility in Grand Prairie with approximately 18,000 pallet positions.
- Advised a publicly traded company in the acquisition of a business providing post-harvest and midstream service to hemp growers.
- Represented an international producer of flavored beverages in the \$30 million strategic acquisition of a regional bottling and distribution company in a transaction structured as a C Reorganization under the Internal Revenue Code (IRC).
- Advised several well-known restaurant franchisors with international franchise programs in the Philippines and Mexico.
- Served as legal counsel to a national, restaurant chain with numerous leasehold and fee simple transactions.
- Obtained a \$23.1 million judgment after a week-long jury trial in Jack County, Tex. for a large United States cattle broker after the client was defrauded by another Texas-based cattle broker. The case involved the untangling of a check-kiting scheme involving hundreds of transactions, tens of millions of dollars, and thousands of head of cattle that were allegedly bought and sold as part of the scheme. The verdict is believed to represent one of the largest cattle frauds in Texas history.
- Served in an advisory role in due diligence matters pertaining to litigation and labor matters arising out of a client's \$5 billion purchase of a national restaurant chain.

Related Practices

Bankruptcy and Financial Restructuring
Commercial Finance
Corporate and Securities
Creditors' Rights



Entertainment, Advertising and Media

Immigration

Intellectual Property

International

Labor and Employment

Litigation

Mergers and Acquisitions

Real Estate Law

Tax

Related Industries

Energy and Natural Resources

Hospitality

Manufacturing

Sports and Entertainment

Transportation and Logistics

Wholesale, Retail and Services

Related Attorneys

Katie Beaird

Christian J. Cowart

Jonathan Farrokhnia

Danica L. Mathes

Benjamin L. Riemer

Christopher B. Trowbridge

Ross Angus Williams