

Hospitality, Restaurant and Bar Industry Representation During COVID-19

The hospitality, restaurant, and bar industry has been greatly affected by the COVID-19 pandemic. From outright closures to severe restrictions on service, to constantly changing health and safety regulations, owners and operators have had to drastically alter the way they do business. As a result, the financial losses suffered by this industry are staggering.

Leech Tishman's attorneys are diligently working to assist clients across this industry to address those losses, get back to business, and protect the health and safety of their customer and employees.

Government Orders Affecting the Hospitality Industry Nationwide

Across the country, local and state governments are issuing orders that alter or restrict the operations of restaurants and bars in an attempt to address the COVID-19 pandemic.

On July 13, 2020, California Gov. Newsom issued orders prohibiting indoor dining and closing bars across the state. On July 17, New York Gov. Cuomo issued an Executive Order that licensed establishments serving alcoholic beverages must also ensure those beverages are accompanied by the purchase of a food item. Similar orders and regulations have also been passed in Florida, Texas, Illinois, Pennsylvania, and across the country.

Many of these state orders have been subject to push-back or legal challenges. In Texas, Gov. Greg Abbott issued an Executive Order to close bars, which inadvertently closed 1,500 Texas restaurants. In response, a coalition of more than 30 Texas bars have filed a lawsuit challenging the emergency order.

Similar legal challenges are happening in Tennessee, with Nashville bars filing lawsuits following Gov. Bill Lee's Executive Order limiting all state bars and restaurants to takeout, drive-thru and delivery services only. Legal challenges are also happening in Nevada, with many bars attempting to block Gov. Steve Sisolak's Executive Orders.

RESTAURANTS Act of 2020

The Real Economic Support That Acknowledges Unique Restaurant Assistance Needed to Survive (RESTAURANTS) Act of 2020 was introduced in the U.S. House of

Representatives on June 15, 2020. The Act is meant to be a restaurant stabilization grant program focused specifically on independently owned restaurants. Leech Tishman is closely following any developments related to the Act.

Representative Experience

Leech Tishman and the Caputo Law Office are currently representing a large group of establishments, including restaurants, bars, and other liquor licensees, that are concerned about recent Orders in Allegheny County, Pennsylvania, addressing on-site alcohol consumption.

Our attorneys also represent restaurant and bar industry clients across the country, with over 80 attorneys nationwide. Our lawyers are licensed in Arizona, California, Delaware, the District of Columbia, Florida, Illinois, Maryland, Michigan, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Texas, and West Virginia, as well as in various federal appellate and trial courts across the country.

Our lawyers have experience in the following areas:

Employment

- Employee notice requirements, including obligations under the Federal Worker Adjustment and Retraining Notification Act (WARN Act) and state mini-WARN Acts
- Screening/testing employees for COVID-19
- Workplace safety requirements, including requirement to provide masks and other personal protective equipment (PPE)
- Families First Coronavirus Response Act (FFCRA)
- Family and Medical Leave Act (FMLA)
- Issues involving employee compensation, PTO, leaves of absence, and benefits
- Potential wage and hour issues
- Employee privacy, confidentiality, and access issues
- Safety regulations and protocols established by governmental agencies, including the Department of Labor (DOL), the Department of Health and Human Services (DHHS), the Occupational Safety and Health Administration (OSHA), and Equal Employment Opportunity Commission (EEOC)
- Reductions in workforce: reduced hours, pay cuts, furlough, layoffs, and termination
- Rehiring and reinstating employees
- Return-to-work certificates

Insurance Coverage

- Insurance policy review
- Assist in documenting/evidencing and quantifying claim
- Prepare notice of claim, loss, and/or circumstances to insurer(s) with supporting materials
- Assist in preparing proof of loss and related documentation, as necessary
- Correspond and negotiate with insurer(s)
- Representation in mediation, arbitration, or other alternative dispute resolution proceeding
- Prepare complaint and represent client in insurance-coverage litigation through settlement or judgment

Bankruptcy

- Pre-bankruptcy planning
- Formulating and obtaining confirmation of plans of reorganization and plans of liquidation
- Claims administration and distribution
- Representation of creditors' committees
- Representation of secured creditors
- Obtaining cash collateral and debtor-in-possession financing
- Negotiating debtor-in-possession financing
- Liquidation of assets by auction and private sale
- Negotiating, restructuring, and documenting of defaulted loans outside of bankruptcy representing both lenders and debtors