



Cannabis Litigation & Alternative Dispute Resolution

When embroiled in a commercial dispute, whether it's "bet- the- company" litigation or a claim involving a single employee, a cannabis-related business must ensure that it has retained qualified counsel.

It is not enough for that counsel to just know the "ins and outs" of the relevant area of law, such as employment, intellectual property, or securities law. Nor is it enough for that counsel to only know the unique contours of the "cannabis industry." To best represent a client in this complicated and ever-changing industry, counsel must understand the relevant area of the law, the peculiarities of the cannabis industry, and how one affects the others. Businesses should expect and accept nothing less from their attorneys.

Combining our breadth of subject-matter expertise with a comprehensive understanding of the cannabis industry, Leech Tishman's litigators are well-positioned to represent plant-touching, non-plant-touching, and ancillary businesses in virtually any type of civil litigation or alternative dispute resolution ("ADR") proceeding. Not only do our experienced attorneys fully appreciate the special legal, financial, and operational issues affecting businesses in this industry – which also includes, without limitation, hemp, CBD, and vaping businesses – we also have extensive experience handling the very types of claims and disputes that cannabis-related businesses are frequently facing today. Those claims include breach-of-contract, product-liability, insurance-coverage, securities, intellectual-property, employment, and Telephone Consumer Protection Action ("TCPA") or other federal statutory claims.

Leech Tishman's attorneys partner with their clients and work to resolve disputes in a thoughtful, cost-effective, and, where possible, expeditious manner. We understand the time, effort, cost, and uncertainty involved in litigation, and we attempt, when possible, through engagement in active negotiation with the opposing party or through ADR proceedings – including mediation, arbitration, and neutral case evaluations – to resolve disputes "out of court."

Sometimes, though, litigation is unavoidable. If and when litigation becomes necessary, whether in federal or state court, trial court or appellate court, we vigorously represent each client, paying particular attention to the client's

individual circumstances, needs, and goals. To that end, our attorneys can assist in all phases of litigation, including drafting pleadings, taking and defending depositions, engaging in other aspects of discovery, undertaking motions practice, drafting briefs, appearing at trial, and handling appeals. In addition, our attorneys help Leech Tishman's clients respond to third-party discovery, including subpoenas and deposition notices, which may require a special understanding of cannabis regulations.

Cannabis Litigation

With growth comes increased complexity. An unfortunate byproduct of the growth of the cannabis industry domestically and internationally is an increase in business disputes and civil litigation. Members of Leech Tishman's Litigation, Alternative Dispute Resolution, Cannabis Industry, and other Practice Groups are ready, willing, and able to represent clients in this industry who are facing any number of claims, including for example:

Breach of Contract

If you do business with a third party that will not honor a supply agreement, a lease, or any other type of contract, or if you have been alleged to have violated such an agreement yourself, our litigators can work with you to protect your interests.

Product Liability

A number of cannabis-related businesses already have been sued by customers or others claiming bodily injury that allegedly arises out of the use of CBD- or THC-containing products or out of ancillary products, such as vape pens. If you find yourself having to respond to such allegations, regardless of whether the case is brought individually or as a purported class action, our attorneys can defend you.

Federal Statutory Actions

Many cannabis dispensaries and other cannabis-related businesses, for example, have been sued for allegedly violating the TCPA. Others have been sued for allegedly violating the federal Americans with Disabilities Act. Regardless of the relevant statute, and again regardless of whether the claim is brought individually or as a purported class action, our experienced litigators will leverage their knowledge of these statutes and of the cannabis industry to fight for you.

Insurance Coverage

If your cannabis-related business is denied coverage under a commercial general liability, product-liability, directors and officers', commercial property, cyber, crime, or any other insurance policy for a claim or loss, our Insurance Coverage attorneys can represent you in insurance-coverage litigation to ensure you get the full benefit of the coverage you purchased.

Employment & Labor

Our Employment & Labor Practice Group attorneys have experience representing clients in complex employment matters, including wage-and-hour cases – claims from which the cannabis industry is not immune. If you are sued in such a case, we can help. Additionally, if your business, whether it operates in the cannabis industry or not, is challenged for its treatment of a medical marijuana patient, our employment lawyers can help.

Additional Litigation Services

Leech Tishman's litigators are also prepared to help cannabis-related businesses resolve disputes involving many other areas of the law, including, but not limited to, the following:

- Business Disputes
- Construction
- Cyber and Data Privacy
- Employee Benefits
- Environmental
- Family Law
- First Amendment and Free Speech
- Government & Internal Investigations
- Insolvency
- Intellectual Property
- Landlord-Tenant
- Partnership Disputes
- Real Estate
- White-Collar Criminal Defense
- Zoning

Combining Leech Tishman's Legal Experience with Our Understanding of the Cannabis Industry

Across our wide range of legal capabilities, Leech Tishman overlays its specialized knowledge of the cannabis industry. As necessary, our attorneys who have knowledge about a specific area of law collaborate with attorneys in Leech Tishman's Cannabis Industry Practice Group to make sure that each client gets the benefit of subject matter expertise and cannabis-specific considerations. Many members of the firm's Cannabis Practice Group are litigators themselves.

Leech Tishman appreciates that even a routine business dispute can quickly become complicated if it involves cannabis. Our attorneys understand how federal law, such as the Controlled Substances Act, as well as federal public policy, may impact such a dispute, taking into account even what one federal district court identified as "the difference between the federal government's de jure and de facto public policies regarding state-regulated medical marijuana."

By combining our broad legal capabilities and experience with our extensive understanding of this unique industry, Leech Tishman is able to give our clients in the cannabis industry comprehensive representation and advice.