

Katten

Katten Muchin Rosenman LLP

HOSPITALITY

Our Clients

Katten represents investors, hotel managers, lenders, developers, franchisees and others in the hospitality industry, including REITS, private equity firms, funds, global lodging chains, boutique establishments, restaurant chains, theme park owners, associations, golf courses, casinos, and resorts.

Our Services

From representing large international conglomerates to small boutique hotels, to investors and lenders in US, European and other international markets, including Africa, Asia, the Middle East and Australia, Katten understands the unique legal needs and challenges within the hospitality sector. Our strength in the industry is derived from the depth of our experience across multiple practices and our ability to work closely together to promote and advance the interests of our clients, including in Real Estate; Corporate; Litigation; Commercial Finance; Insolvency and Restructuring; and Intellectual Property. Employing a multidisciplinary approach, we take advantage of the vast resources of a large law firm, combined with the cost-effectiveness and agility of a smaller firm.

Our approach is practical, not theoretical. Our attorneys have had hands-on experience, including working in-house at hospitality companies, which has fostered both keen oversight of the broader dynamics in the hospitality industry as well as insight into the full range of day-to-day operational issues.

RECOGNIZED BY

- *Chambers UK*
 - Real Estate: Lower Mid-Market (London (Firms)) 2019
- *Chambers USA*
 - Real Estate (Nationwide) 2019, 2018
 - Real Estate (Illinois; Washington, DC; North Carolina) 2018
 - Real Estate: Mainly Corporate & Finance (New York) 2019, 2018
 - Real Estate: Finance (North Carolina) 2018
- *The Legal 500 United Kingdom*
 - Real Estate – Commercial Property 2019, 2017
 - Real Estate – Commercial Property: Hotels and Leisure 2019, 2017
 - Real Estate – Property Finance 2019, 2017
- *The Legal 500 United States*
 - Real Estate 2018, 2017
- *U.S. News – Best Lawyers® “Best Law Firms”*
 - Law Firm of the Year in Litigation – 2018
 - Litigation – Real Estate (National; New York; Washington, DC) 2019, 2018
 - Real Estate Law (National; Charlotte; Chicago; Los Angeles; New York; Washington, DC) 2019, 2018



Katten Muchin Rosenman LLP



We provide legal services in the main areas of transactions, crisis management and operations that include the following:

- real estate
- development
- finance
- tax
- financial services
- litigation
- insolvency
- compliance
- intellectual property
- advertising, marketing and promotions
- privacy, data and cybersecurity
- social media
- corporate

Transactions

Our Hospitality practice encompasses all aspects of deals, financings and tax structures for buyers, sellers, investors, hotel managers and lenders. We are experienced in senior, securitized and mezzanine financing—including inter-creditor issues—and joint ventures, fractional and whole-ownership, and other structures. Our clients with international interests benefit from our experience in international banking and financial services, global credit facilities, and comprehensive cross-border investment guidance.

We understand that there is more to completing a successful transaction than just the deal itself. Our attorneys are highly skilled in negotiating hotel management, operational and franchise agreements around the world. We handle contract negotiation and documentation, due diligence review, construction-related work and land use entitlements, and acquisition, development and construction financing. We have extensive experience counseling developers as they interact with public and private agencies, architects and engineers, professional managers, and general contractors. We also offer robust services for protecting and defending our clients' intellectual property, including naming rights, trademark clearance, IP due diligence, and brand, trademark and copyright licensing.

In addition, we represent hospitality companies in their initial public offerings (IPOs).

Crisis Management

Katten attorneys help mitigate risk and provide proactive solutions to any challenges or litigation that our clients may face. Whether it is cybersecurity and data protection, fraud, or anti-bribery investigations or laws, such as the Foreign Corrupt Practices Act (FCPA) and the UK Bribery Act, we are ready to assist with preparations, internal investigations and responses required. We also are well-versed in issues involving regulatory authorities, such as the Solicitors Regulation Authority (SRA), and can help establish compliance policies.

When litigation is necessary, we provide counsel on defaults and breach of contract matters, contract terminations, management and franchise disputes and terminations, and prosecuting property, liability and business interruption insurance claims. Katten is highly experienced in asset-related matters, including distressed real estate asset disputes, out-of-court and in-court restructurings, foreclosures and other real estate litigation, reorganizations, equity and debt recapitalizations, acquisitions and international schemes of arrangement, and dispositions. Our insolvency attorneys regularly represent debtors and creditors in bankruptcies and state court insolvency proceedings, as well as the buyers and sellers of distressed assets.

We also understand the importance of our clients' image in the hospitality industry. Our attorneys are experienced counselors in employment policy, reputation management and protecting and litigating brand-related matters, including trade names, trademarks, service marks, trade dress, logos, taglines, slogans, designs and domain names.

Operations

Our Hospitality practice also provides comprehensive support to address the varied operational needs of our clients. We understand and have extensive first-hand experience in the dynamics of hotel owner and manager relations and each party's particular needs. Additionally, Katten has direct experience in assisting clients with one of the industry's most important functions—electronic central reservation systems—as well as the implementation of other technology tools.

Data protection is critical to the hospitality industry. We help analyze privacy needs and practices in order to draft appropriate privacy policies and help clients avoid theft by implementing appropriate data protection principles and practices, including assisting in the process of vetting vendors and reviewing their practices for administrative, technology and physical security procedures. If and when there is a security breach, we address legal and regulatory requirements while working with our clients' business leadership, technology professionals and media team to implement prompt and appropriate responses.

With regards to our hospitality clients' consumer programs, Katten offers trade dress counseling and advertising and promotion materials clearance support. Should an issue arise, we can assist with a variety of advertising disputes, including negotiations, litigation and National Advertising Division (NAD) of the Council of Better Business Bureaus proceedings. Our attorneys also counsel on matters relating to event sponsorships, sweepstakes and contests. In addition, we provide training on social media programs, covering concepts such as developing and administering social media policies and promoting and protecting brands on social media platforms. We help develop social media policies and handle content liability and litigation issues relating to social networks, wikis, blogs and other online media.

Our Experience

- Representation of a global provider of serviced apartments in the evaluation and improvement of its data privacy and information security program, including privacy audit, vendor management, training and testing.
- Representation of a full-service real estate investor in the successful negotiation of the renaming of a theatre, part of a vast Hollywood entertainment complex that hosts a range of prestigious live acts and entertainment events.
- Representation of one of the largest vacation ownership companies in the world in its \$2.2 billion going-private sale to a private equity firm. Katten obtained international merger clearances for the deal in various countries while also providing antitrust counsel within the United States.
- Representation of an operator of luxury hotels and resorts in numerous fractional ownership and whole

ownership transactions, including in Manila, Philippines; Dubai, United Arab Emirates; Istanbul and Bodrum, Turkey; Mecca, Saudi Arabia; and Lagos, Nigeria.

- Representation of a global luxury hotel brand and management company in projects across the hospitality spectrum, including the overhaul of management forms, review of IT contracts and implementation of a data privacy and security program.
- Representation of a growing boutique hotel operator as outside general counsel; work includes multiple hotel management agreements, a hotel investment and related joint venture negotiations, and operations contracts for reservations, sales, entertainment and supplies.
- Representation of one of the premier hotel operators in the world in the negotiation of hotel management, design review, centralized services and other related agreements for two luxury hotels and one limited-service hotel in Columbus, Ohio.
- Representation of a US-based alternative asset manager as lead transaction counsel in the acquisition of a 388-room oceanfront hotel and casino in Puerto Rico with several restaurants and luxury retail shops. Katten negotiated the joint venture and hotel management agreement with a US boutique hotel management company and a private equity and investment banking firm.
- Representation of a real estate private equity firm in the acquisition of a portfolio of hotels located in US university towns, and in raising fund equity to complete the \$400+ million purchase.
- Representation of a commercial bank in the \$50 million construction loan for a hotel built on an air rights parcel in Charlotte's commercial business district.
- Representation of a national commercial bank in a \$27 million loan for the acquisition of five hotels in Florida.
- Representation of a real estate management firm in structuring and negotiating a joint venture agreement and hotel management contract for the acquisition of a leasehold interest in a Kansas City hotel.

- Representation of an emerging lifestyle hotel group as lead transactional counsel, handling hotel management and related agreements across the United States and Japan. Katten represented the client with regard to the management of a new portfolio of serviced apartments and the refinancing of a hotel in New York City.
- Representation of Accor and its subsidiary Raffles in securing the management agreement for the

Raffles London hotel to be located in the Old War Office. This will be the first hotel in the United Kingdom to operate under the ultra-luxury Raffles brand.

- Representation of two hotel operators in connection with a large, multi-national data breach of a hotel reservations system.

