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Restaurant, Food and Beverage

Pryor Cashman has been representing clients in the restaurant, food and beverage industries for more than 20 years, addressing the unique needs of these businesses from “soup to nuts.” Our clients include national and local restaurant chains, start-up restaurant, food and beverage ventures, and established luxury restaurants, as well as investors, franchisees, owners and chefs of and at these businesses.

For example, we have represented some of the largest franchisees of T.G.I. Friday’s, Arby’s, Burger King and Fatburger in acquiring and expanding their restaurants. We offered advice on the terms of the franchise arrangements, real estate lease terms, labor relations, employee benefits and tax matters.

We frequently counsel clients forming new restaurants (such as chefs or their financial backers) in the negotiation of partnership, limited partnership and LLC agreements which provide for how the operations will be conducted and how profits and losses of the business will be allocated. We acted as counsel for South Beach Beverage Co. from negotiation of the documentation organizing the company through its ultimate sale to PepsiCo Inc. We have also assisted various high-profile restaurants such as Cafe des Artistes in the establishment, licensing and/or enforcement of their trademarks and trade dress.

As with other industry-specific practices at Pryor Cashman, we are able to draw upon the experience of our attorneys in Corporate, Tax, Real Estate, Licensing, Litigation, Intellectual Property and other specialized practices. As a result, we can combine our familiarity with the business realities of the food and restaurant industries with relevant areas of legal concern to produce cost-effective analysis and recommendations of practical use to our clients.

A sampling of our work in the restaurant, food and beverage area includes the representation of:

- Briad Restaurant Group in its prevailing tender offer for Main Street Restaurant Group Inc., the largest T.G.I. Friday’s franchisee
- Chop’t Creative Salad Co. in connection with its equity financing and store expansion
- Klein Candy Co. in its sale of a full-service master and convenience store distributor to Core-Mark Holding Co., one of the largest full-service wholesale distributors of packaged consumer products to the convenience retail industry in North America
- David Liederman, founder of David’s Cookies and several successful restaurants, in various ventures
- Lola Restaurant in a successful administrative proceeding reinstating its liquor license

- South Beach Beverage Co. (SoBe) in its defense against a trade dress infringement claim by Arizona Beverages and the subsequent sale of SoBe to PepsiCo Inc.
- St. James Associates LP as licensor of the Smith & Wollensky and Wollensky's Grill trademarks