Tucker Ellis LLP

Hospitality

Overview

Few commercial properties are as structurally complex as the hotels, resorts, golf courses, and similar assets operating in the hospitality industry. At Tucker Ellis, our attorneys guide clients through this complexity by leveraging their broad experience across corporate, transactional, and litigation matters in the industry. Whether it's negotiating a management or franchise agreement with a major national lodging company, advising a senior or mezzanine lender on the safeguards needed to lend against a hotel property, counseling parties to the various construction and vendor contracts ancillary to a development, or defending hospitality companies against liability claims, we have the knowledge and resources to help your vision become reality.

Our core experience encompasses real estate, financing, development, and business litigation, ensuring that our clients receive comprehensive support for their diverse needs. Our team has successfully defended hotels and other hospitality facilities in claims involving safety and security and provided proactive legal strategies to mitigate these risks. We also address tax, employee benefits, IP, commercial litigation, environmental regulation, and bankruptcy matters to provide holistic representation.

We regularly counsel and represent the following types of organizations active in the hospitality industry:

- Hotel and restaurant developers, owners, and operators
- Investors and hospitality-focused funds
- Senior and subordinate lenders
- Specialty contractors

Experience

REAL ESTATE AND FINANCIAL SERVICES REPRESENTATIVE EXPERIENCE

- Represented the administrative agent on a $500 million syndicated senior construction loan for the development of a 1,500-room convention center hotel
- Represented a Cleveland-based hotel owner in documenting the sale of a Radisson-flagged hotel and renegotiating the Radisson management agreement
- Represented a national bank in a senior secured loan to finance the development of a Dave & Buster's restaurant and entertainment center
- Represented a senior lender in refinancing a $44 million loan for an airport hotel in Pittsburgh, Pennsylvania, on land ground-leased from the county airport authority

- Represented a developer in the engagement of a guaranteed maximum price (GMP) contractor for the construction of a hotel in Cleveland, Ohio
- Represented multiple contractors in the negotiation of GMP and hard bid contracts with developers for the construction of hotels in North Carolina, Texas, Georgia, Ohio, and Florida
- Represented a major international lodging company in acquisition and regulatory matters
- Successfully procured zoning variances from boards of zoning appeals and city councils on behalf of hotel owners
- Represented the senior secured lender on a $14.7 million loan for the construction of a 116-room Residence Inn by Marriott
- Advised a well-known regional craft brewery and restaurant operator on a variety of significant corporate, financing, and real estate matters

BUSINESS LITIGATION REPRESENTATIVE EXPERIENCE

- Serve as national coordinating counsel defending nationwide litigation asserting liability against one of the largest hotel chains in the United States for alleged criminal activity on premises, including sex trafficking under the TVPRA
- Served as lead trial counsel in the defense of a major hotel chain in a multi-week trial in Georgia federal court involving multiple plaintiffs claiming damages resulting from alleged sex trafficking at two franchised properties; the trial concluded in a midtrial settlement favorable to our clients
- Prepared for trial and handled all pretrial aspects of two matters involving multiple plaintiffs seeking damages from a hotel franchisor that resolved favorably on the courthouse steps for our clients
- Obtained summary judgment in multiple cases in favor of one of the largest hotel franchisors in litigation involving allegations of sex trafficking
- Counseled franchisor regarding proactive legal strategies for enhancing guest safety measures and reducing liability exposure
- Represented a national hotel and amusement park operator in substantial labor and employment matters
- Successfully represented a contractor in a dispute involving the construction of a hotel in Louisiana operated by an international lodging chain, resulting in a multimillion-dollar recovery