

## HOTEL, RESTAURANT AND HOSPITALITY INDUSTRY

### Typical Legal Services

- ◆ **Provide strategic advice in planning overall capital improvement programs**, from project inception to final completion and closeout. Include assistance in selecting design professionals, environmental consultants, and other professionals to carry out the project, as well as assistance in preparing bid packages and awarding the contract.
- ◆ **Monitor construction, renovation and environmental projects and implement trouble-shooting during the project.** Includes addressing errors and omissions claims, defaults, defective work, and providing practical solutions with assistance from the firm's strategic alliances to address project challenges.
- ◆ **Set strategy for scheduling and sequencing** during renovation and expansion of facilities, specifically relating to hotel guests' convenience, health and safety and perception of routine hotel activities.
- ◆ **Litigate and arbitrate disputes** relating to construction claims, construction defects, premises liability, warranties, Mechanic's Liens and errors and omissions in design.
- ◆ **Audit legal liability** of hotel and restaurant premises, prior to renovation or construction, to improve compliance with hotel safety security and American Disabilities Act requirements.
- ◆ **Manage legal issues relating to hotel security.**
- ◆ **Review environmental issues and preparation of compliance strategies.**
- ◆ **Develop engineering and facilities management strategies** to achieve compliance with building code, fire code, American Disabilities Act and Local Law 11 and other facade laws.
- ◆ **Provide strategy for risk management** relating to insurance coverage issues and limitation of liability issues.
- ◆ **Prepare and negotiate management agreements.**
- ◆ **Set strategy and determine feasibility** for leasing to health clubs, spas, nightclubs, and other tenants.
- ◆ **Represent bars and restaurants** on food odor ventilation issues, noise code issues relating to HVAC ventilation and exhaust equipment.
- ◆ **Represent bars, nightclubs and restaurants** on operations issues relating to finance, facilities management, security and code compliance.

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## Representative Experiences

- ◆ CREATIVE CONSTRUCTION SEQUENCING KEPT THE LIGHTS ON WHILE RECOVERING FROM DISASTER  
A Manhattan hotel was renovated after a devastating fire that closed it for a month. As a representative of the contractor, John E. Osborn, P.C. worked with the hotel to develop construction sequencing to keep the hotel operating smoothly while the renovation proceeded. At closeout, we negotiated the terms of the final closeout package and payment to the contractor.
- ◆ ESSENTIAL EQUIPMENT DELIVERED DESPITE CONTRACTOR DEFAULT  
When a midtown Manhattan hotel was renovated, the contractor furnishing the large chiller units defaulted and was unable to complete its obligation under contract due to financial failure. We worked with the contractor and its bonding company to ensure that the equipment was delivered, installed and commissioned and that the appropriate warranties were delivered to the hotel.
- ◆ WIDE RANGE OF LEGAL ISSUES FACED BY HOTEL RECEIVER  
When a Manhattan hotel was unable to keep up with its mortgage payments, the bank obtained a court order placing the hotel under the direction of a receiver. John E. Osborn P.C. served as general counsel to the receiver and advised the receiver on a multitude of issues including restaurant openings, union issues, a health club contract, premises liability, facade repairs, an environmental assessment, and the removal of mechanic's liens from the hotel property, which were the responsibility of the borrower. Our firm was instrumental in clearing up a wide range of legal issues and was retained by the new hotel owner who purchased the hotel out of receivership.
- ◆ RESTAURATEUR PURCHASES FORMER DRY CLEANING SITE WITH SPOTTY HISTORY  
When a Manhattan bar and restaurant proprietor signed a contract to purchase property near Restaurant Row, he had not focused on its prior use as a dry cleaning establishment. After perchloroethylene ("perc") was discovered in dry wells beneath the building, the deal was believed to be dead. Our firm was successful in negotiating significant concessions and protections, which allowed the deal to go forward at a significant discount to the purchaser.
- ◆ PREMISES LIABILITY CASE DISMISSED  
A member of the public entered a hotel lobby one rainy night and started smashing stained glass windows with an umbrella. An arrest ensued, leading to the hotel's pressing charges. It did not initially appear that the hotel would have a further legal problem. A few weeks later, a multi-million dollar lawsuit was served on the hotel. The facts did not add up. Our firm investigated and found the plaintiff's record of similar incidents. Voluntary dismissal of the case was promptly obtained.