

Retail & Consumer Products COVID-19 Related Services

Product Liability and Tort Claims. We can assist retailers in product liability, negligence, breach of warranty, or false advertising litigation related to issues such as allegedly contributing to spread of virus or failure to protect against it. We can also assist with potential tort suits by retailers seeking money damages against the government under the Federal Tort Claims Act or Fifth Amendment Takings Clause.
Contact: [Cliff Zatz](#) and [Cheri Falvey](#)

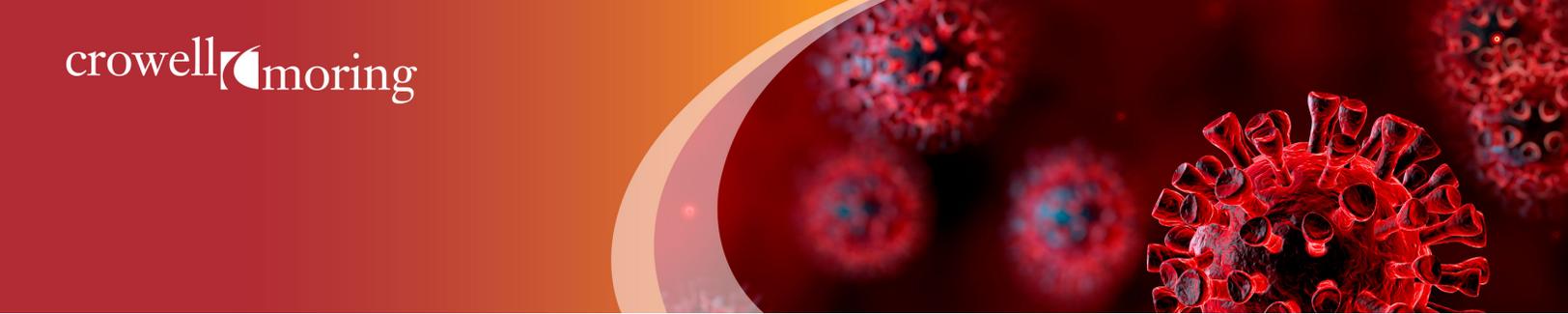
State AG Enforcement and False Advertising. Price gouging and other unfair trade practices are on the radar of State Attorneys General as states of emergency are declared and there are market disruptions. We have already seen enforcement activity in many jurisdictions. Other areas of concern for AGs include: false advertising regarding health and immunity claims generally; such as claims that products can be used as protective gear from, or to cure, COVID-19.
Contacts: [Clay Friedman](#), [Natalie Ludaway](#), and [Chris Cole](#)

Retail Lease Issues. Representation regarding lease issues in connection with closure of shopping centers, suspending store operations, and not making rent payments due to COVID-19. Relevant issues include co-tenancy clauses, landlord obligations to operate a shopping center, landlord default clauses and force majeure.
Contacts: [Greg Call](#) and [Tracy Reichmuth](#)

Food & Drug Administration Law. FDA is closely monitoring COVID-19-related products, particularly those suggesting testing, prevention, treatment or cures for the disease. Our FDA regulatory practice is available to support efforts to secure authorization for new products and to advise on marketing do's and don'ts. FDA is also actively fielding and responding to questions about food handling in the age of COVID-19.
Contact: [John Fuson](#) and [Chalana Damron](#)

Labor & Employment. We can help retail employers address issues such as private party litigation under federal employment laws, e.g., ADA and Title VII; private party and government litigation under federal WARN and state mini-WARN; employee benefit claims, e.g., benefit plan eligibility, COBRA compliance; and senior executive litigation over reduced bonus and other executive compensation issues.
Contact: [Tom Gies](#)

Corporate. We can advise on COVID-19-related issues arising out of commercial contracts or M&A transactions. This ranges from reviewing force majeure clauses, common law doctrines and agreed allocation of risk to drafting protective language for deals currently being negotiated. For M&A matters, this includes analysis of the relevant Material Adverse Change / Event clauses and counseling regarding disputes involving valuation, termination provisions, and breach of representations and warranties.
Contact: [Ilana Lubin](#)



Cross-Border Perspectives

Global Restructuring and Insolvency. Multinational companies and institutional investors are seeking strategic counsel as they consider distressed business situations across the US, UK, EU and Asia. Our experience includes US chapter 11 restructurings, UK liquidation proceedings, non-bankruptcy workouts, turnarounds, and mergers, acquisitions and dispositions. We can assist multinational companies in distress, institutional lenders and investors (including asset backed lenders), fiduciaries (trustees and examiners), and other key parties in insolvency cases worldwide.

Contacts:

US - [Mark Lichtenstein](#) and [Scott Lessne](#)

UK - [Paul Muscutt](#) and [Cathryn Williams](#)

EU - [Emmanuel Plasschaert](#) and [Frederik Van Remoortel](#)

Asia/China - [Evan Chuck](#)

Global Mobility and Employment. We can play a crucial role in advising multinationals in the ever changing landscape during this pandemic by assessing potential disruption and providing legal advice to help retailers navigate, comply, and mitigate risks connected to their international workforce. We advise on employer/employee rights and obligations, compliance with local laws and regulations, potential reductions in work force, communications to employees and labor unions/work council, assessment of benefit and incentive plans, and data privacy as it applies to employees' sensitive information.

Contacts: [Nicole Simonian](#) and [Jackson Pai](#)

Global Supply Chain. Multinational companies' considerations of diversifying their global supply chains in light of the U.S.-China trade war have been accelerated as a result of the impact of COVID-19. We can provide strategic guidance on the legal, business, and practical implications of shifting production to various countries and the risk and opportunities that arise as a result of the complex overlap of global and regional trade agreements and national laws.

Contacts: [Evan Chuck](#), [Nicole Simonian](#), and [David Stepp](#)

International Trade. We can advise global importers and exporters on the movement of their goods as government officials around the world are reallocating resources due to COVID-19. We can also assist companies in minimizing duty and tax liabilities applicable to imported goods by reviewing country of origin and tariff classification determinations, and filing requests for duty refunds when available (especially in the U.S. for Chinese products subject to the special Section 301 duties).

Contacts: [Evan Chuck](#), [David Stepp](#), and [Spencer Toubia](#)

Cybersecurity & Privacy. Our Cybersecurity & Privacy team is available to advise retailers on the privacy and cybersecurity aspects of COVID-19 measures, such as addressing whether companies can collect and disclose personal health information of employees relating to COVID-19, how to address cybersecurity in connection with remote work, and responding to incidents involving personal information relating to employees, customers, and users of online and mobile services.

Contacts:

US: [Jarno Vanto](#)

Europe: [Maarten Stassen](#)