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# Hospitality & Leisure Industry Team Overview





# Providing world-class service for leading developers, owners and operators of hotels, resorts, restaurants, and clubs

In the hospitality and leisure business, providing world-class service and memorable experiences is always the goal. At Foley, we believe you should expect nothing less from those who service your business.

## Why Foley?

We understand that the hospitality industry has multiple components and we have organized our practice to address all facets of the industry. Our multidisciplinary team of attorneys is your single source for answers to any of your most pressing legal issues.

Clients know we will work side-by-side with them through the entire life cycle of their asset, negotiating a full range of agreements and helping them realize and protect the value of their assets and brands. When cross-disciplinary issues and business disputes arise, clients benefit from our team of skilled labor and employment, intellectual property, privacy, consumer finance, environmental, food & beverage, real estate, tax, and litigation lawyers to provide strategic guidance and drive forward their interests and investments in hospitality and leisure.

Foley's Hospitality & Leisure Industry Team is nationally recognized as leaders in the industry by Chambers USA. We understand our clients' priorities to deliver top-quality service and memorable experiences in this extremely competitive market. Our lawyers have served as industry lobbyists, drafted legislation on behalf of the industry, and currently hold leadership positions on relevant committees and with several trade associations.



## HOSPITALITY & LEISURE

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*We use a multidisciplinary approach to deliver industry-specific services to a wide range of businesses in this sector.*

## Value We Deliver:

- We deliver our clients the same top-quality service and memorable experiences that your clients expect from you
- We know the industry, the players and the market
- Cross-disciplinary legal teams that provide comprehensive solutions
- Proactive approach to identifying and managing risk
- Transparency with respect to matter management, fees and client communication
- Practical solutions based on proven experience
- Flexibility with approach and pricing and efficient use of technology



# Core Areas of Counsel

## PRIMARY CONTACT

### Hotels and Resorts

Our team has handled billions of dollars of acquisitions, dispositions and financings for hotels and resorts worldwide including in the United States, Canada, Mexico, Europe, Asia, the Middle East and the Caribbean. We have also negotiated hundreds of management and branding arrangements and have handled many high-profile transactions, including a number of branded, luxury mixed-use development projects. These projects include numerous forms of for-sale real estate, as well as hotels, marinas, hunting lodges and other recreational amenities.



**Cliff Risman**  
[crisman@foley.com](mailto:crisman@foley.com)

### Timeshare and Fractional Development

Our experience in the timeshare and fractional industry includes the full range of services required to help you flourish in this constantly evolving market. With attorneys located in the major centers of the vacation ownership industry, our attorneys are intimately familiar with the business and legal needs of the industry, including property acquisition, financing and deal structuring; project development; use plans, points, and product structures; sales and marketing; management and operations; and



**Bill Guthrie**  
[bguthrie@foley.com](mailto:bguthrie@foley.com)

### Golf Clubs

With our significant experience in the industry, we can fully address any critical issues that may arise in your golf or other private club or resort business. With a comprehensive and sophisticated array of services, we can help you with planning and development, acquisition and disposition of properties, financing, identifying and addressing environmental issues, structuring membership programs, and transfer and turnover of equity clubs.



**Van Tengberg**  
[vtengberg@foley.com](mailto:vtengberg@foley.com)

### Restaurants, Food and Beverage

Our lawyers have represented every manner of food and beverage companies – from restaurants and resorts to grocery stores and food growers, to brewers and distillers, to importers and distributors – at every step of the business process. We represent hospitality industry leaders, including dozens of national and regional restaurant chains, convenience stores, grocery retailers, entertainment and sports venue concessionaires, independent restaurants, bars, nightclubs, private clubs and hotels, food wholesalers and food growers.



**Nate Beaver**  
[nbeaver@foley.com](mailto:nbeaver@foley.com)



# Our Team

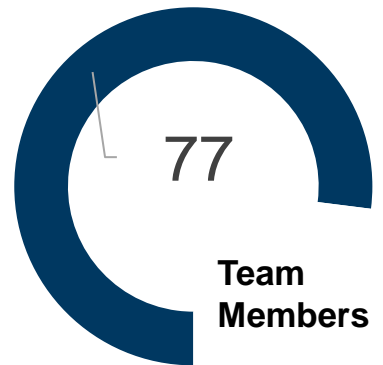
Foley has a premiere hospitality industry team comprised of corporate, real estate, finance, tax, employment and litigation attorneys that will ensure a value maximizing process and ability to understand and address industry related issues.

Our team has negotiated hundreds of management and branding arrangements and has handled many high-profile transactions, including a number of branded, luxury mixed-use development projects with membership clubs.

In addition to our experience with mixed-use development that incorporates hotel assets, membership clubs and other leisure facilities, we provide a full range of services to developers of for sale residences to help you flourish in this constantly evolving market.

With offices throughout the United States and in Mexico City, Foley combines powerful resources and award winning client service to help you achieve your business objectives — efficiently and cost-effectively.

## HOSPITALITY & LEISURE



# Quality service, effective legal counsel, and client satisfaction are our top priorities – every engagement, every interaction.



## Select Representative Experience

- Served as lead timeshare and exchange counsel in **Marriott's** \$4.7 billion agreement to buy timeshare operator ILG; the second largest deal of 2018 according to the Law360 article, "More Than 10 Firms Guided 10 Largest 1st-Half Hotel Deals"
- Assisted in multiple joint ventures between sponsors and institutional capital partners in connection with the development of mixed-use luxury hotel anchored projects over \$100 million each; including multiple Ritz-Carlton anchored projects in Florida, Colorado, California, the Bahamas, and Turks and Caicos
- Represented **Capella Hotel Group (f/k/a West Paces Hotel Group)** in connection with numerous domestic and international hotel management, technical services and license arrangements in the U.S., Mexico, Europe, the Caribbean and Asia, as well as sliver equity investments for their SOLIS and Capella luxury and ultra-luxury brands, numerous independent properties, and its strategic alliance with the Hotel and Restaurant Management Program at Auburn University
- Represented one of the owners of **Cordillera Golf Club**, located near Vail, Colorado, in a four year arbitration against certain of the other owners. The claim included allegations of fraud, misappropriation of funds and concealment. A favorable decision in the arbitration eventually led to the acquisition of The Club at Cordillera. Thereafter, Foley represented the debtor in a successful Chapter 11 reorganization of Cordillera Golf Club
- Represented **Hall Equities Group**, with the acquisition of 29 hotels and the corporate assets of ZMC Hotels, which employs more than 1,000 people, for \$225 million
- Served as lead counsel for **Hilton Grand Vacations** in several significant deals, including its acquisition of The Crane Resort in Saint Philip, Barbados, which is valued at more than \$282 million; the \$175 million acquisition of a 208-room New York City Hotel to be converted into 212 "urban vacation" units; and the \$41 million deposit to purchase 87 of the 375 hotel rooms within the Hilton Los Cabos Beach and Golf Resort in Los Cabos, Mexico, from a joint venture of partners, totaling approximately \$50 million.
- Assisted **Kaiya Beach Resort**, a high end community on Inlet Beach in Florida's panhandle, in a mixed use project containing estate homes, townhomes, condominiums, an inn/hotel, retail and a beach club. Foley coordinated the master planning of the entire resort, preparing all subdivision documents, sales documents, rental management agreements, operating agreements, and assisting in litigation related to land use issues.
- Represented publicly traded timeshare developer, in the negotiation of a build to suit purchase and sale agreement for the phased acquisition of over 150 units in New York City
- Represented a restaurant management company in connection with the negotiation of a lease and operating agreement for twelve food and beverage venues in a mixed-use entertainment project
- Represented **Aimbridge Hospitality** in connection with investment in an equity venture formed with a private equity firm to acquire a portfolio of over 100 hotels out of bankruptcy, and the negotiation of a master management agreement for the portfolio effective both pre and post plan confirmation
- Represented **KSL Partners** in connection with the acquisition of the Montelucia Resort and Spa in Scottsdale, Arizona, as well as certain adjacent residential units and the negotiation of an affiliation agreement with InterContinental Hotels & Resorts
- Represented the owner of a luxury beach resort in Latin America in connection with the restructure of its management and branding arrangements with a major international hotel management company
- Represented multiple ownership groups in connection with the management and branding arrangements for recently developed Thompson, Virgin and Kimpton hotels in Dallas, Texas
- Represented the largest independent hotel manager in the United States on management contracts, sliver equity investments and portfolio transactions
- Represented **Gencom Group** in the sale of a multistate portfolio of hospitality assets to a NYSE REIT for in excess of \$250 million in cash, stock and partnership units
- Represented an owner/developer in the negotiation and documentation of management and branding agreements with a major international branded hotel management company for a luxury hotel and residential project in Winnipeg, Canada
- Represented a branded hotel owner in the Dallas Central Business District in connection with a master outsourcing arrangement for eight food and beverage venues
- Oversaw institution and enforcement of brand standards (including terminations), trademark enforcement, and 14 international affiliate relationships with 4,200 hotels in 70 countries

# About Foley

Foley & Lardner LLP is a preeminent law firm that stands at the nexus of the energy, health care and life sciences, innovative technology, and manufacturing sectors. We look beyond the law to focus on the constantly evolving demands facing our clients and act as trusted business advisors to deliver creative, practical, and effective solutions. Our 1,100 lawyers across 25 offices worldwide partner on the full range of engagements from corporate counsel to IP work and litigation support, providing our clients with a one-team solution to all their needs. For nearly two centuries, Foley has maintained its commitment to the highest level of innovative legal services and to the stewardship of our people, firm, clients, and the communities we serve.



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