



Retail & Luxury

We help retail and luxury clients navigate challenges around the globe as they protect and expand their brands. We serve as trusted advisors and valued business partners, handling some of the industry's highest-profile litigation, regulatory matters, and deals. Our track record of successes in both state and federal courts is a testament to our prowess in consumer fraud, product liability, and antitrust litigation and our commitment to excellence extends to our transactional representation, ensuring swift, seamless, smooth, and cost-efficient deals for our retail and luxury clients.

The comprehensive suite of services we offer to industry clients also encompasses employee benefit and executive compensation services; trademark litigation, prosecution, and brand protection counseling; defense of labor and employment claims unique to the sector's workforce; and defense against enforcement actions initiated by agencies like the US Environmental Protection Agency (EPA) and the Department of Justice (DOJ).

Key Contacts

[Amy Gordon](#)

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[Justin Levy](#)

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Areas of Focus

Antitrust & Competition

Our team understands the highly competitive environment in which global retailers and fashion brands operate. We routinely represent prominent industry players in defense against antitrust claims under the Sherman Act and in responding to Federal Trade Commission (FTC) investigations. Additionally, we regularly handle all aspects of the merger-review and antitrust-clearance process, including in FTC and DOJ merger investigations and lawsuits in connection with third-party mergers.

Our team also provides antitrust counseling to Winston's retail industry clients, including internal audits of sales practices and developing antitrust trainings and compliance programs that involve the formulation of guidelines for dealings with distributors in the US and abroad.

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Consumer Fraud Litigation

Winston regularly represents retailers—including convenience stores, fashion houses, and big-box stores—in consumer class actions alleging improper pricing and labeling. We understand the complex legal issues involved under the Federal Trade Commission Act, the California Consumer Legal Remedies Act and California Business and Professions Code, and the Magnuson-Moss Warranty Act (MMWA), among others. We have a track record of success handling consumer fraud cases for retailers in both state and federal courts and have prevailed on motions to dismiss and opposing class certification on behalf of our retail clients.

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Employee Benefits & Executive Compensation

Our employee benefits and executive compensation clients represent a diverse mix of retail sector clients, including a multinational furniture retailer, an e-commerce and big box store, and a home improvement retailer. We offer our clients a full suite of employee benefit and executive compensation services, including:

- Public company reporting and executive compensation;
- Employee benefits issues in mergers and acquisitions;
- Qualified retirement plans and Title I investments;
- Health and welfare benefit plans;
- ERISA litigation;
- Employee stock ownership plans (ESOPs); and
- International HR matters.

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Environmental

Our environmental attorneys have extensive experience defending retail and luxury clients—including a Fortune 50 national retailer—against agency and citizen enforcement actions brought by the EPA and the DOJ. We also handle actions brought by state and local agencies, citizen groups, and private parties across the country.

To help clients reduce the risk of enforcement by federal and state agencies, we also conduct thorough reviews of our clients' environmental and worker health and safety compliance programs. We support the design and development of these audits, counsel clients throughout the implementation of their audit programs, and help clients address audit findings.

Additionally, our team regularly performs due diligence activities to assist clients in evaluating potential risks involved in transactions. This includes an assessment of statutory, regulatory, and common law claims exposure, regulatory compliance, existing and potential environmental liabilities, and risk reduction strategies.

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Intellectual Property & Brand Management

Our intellectual property (IP) lawyers work with some of the world's most valuable brands, helping them protect and defend their brand assets and develop effective approaches for global trademark and domain-name portfolio management. We are involved in significant brand enforcement work for luxury brands, including trademark and trade dress infringement lawsuits, and related global enforcement. We also represent retail clients in patent matters from product design to retail mobile applications, including before the International Trade Commission (ITC).

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Labor & Employment

We handle employment litigation filed by single plaintiffs, as well as in multi-plaintiff and major class and collective actions covering all types of employment law issues, including wage and hour, misclassification, discrimination, retaliation, wrongful termination, harassment, and other claims.

Our lawyers are not only seasoned litigators, but also experienced employment counselors who provide practical, litigation-minimizing advice to our clients. We conduct in-house training seminars for clients, and develop, review, edit, and implement personnel policies and employee handbooks for national and international clients.

We currently serve as longstanding national labor and employment law counsel for a multinational luxury goods conglomerate, providing labor and employment services for all its US affiliates.

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M&A & Private Equity

We advise retail and luxury clients in mergers and acquisitions (M&A) and private equity transactions, providing seamless deal teams that draw upon our corporate and finance practices as well as tax, antitrust, employment, government relations, and other areas as needed. We also advise retail industry clients on all types of cross-border strategic investments, acquisitions, and joint ventures, and help them navigate complex cross-border transactional issues.

Our attorneys also have established a successful track record of advising and representing retail clients in cross-border transactions and assisting them in expanding their operations to the United States, Europe, Asia, and other key international markets.

Learn more about our [M&A](#) and [Private Equity](#) Practices

Product Liability

We have built a reputation as a trial lawyers' firm for complex product liability and mass tort litigation, having litigated and tried complex cases across the US involving a wide array of products and in defense of retailers selling these products. Outside of the courtroom, our team has served as product safety counsel for several Fortune 500 clients and advises clients on compliance with state and federal product liability laws and avoidance of product liability claims.

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Real Estate

We represent developers in leasing programs for entire portfolios of shopping centers and warehouse properties and regularly represent institutional clients, as both landlords and tenants, in lease negotiations for space in sophisticated office, retail, and industrial markets. Our attorneys have considerable experience in purchase options, space construction, rent escalation clauses, and leasing brokerage issues. Working in conjunction with property owners, we have developed novel and practical leasing structures to attract top-quality tenants and limit the exposure to owners and lenders of the increased costs associated with such leases. We regularly assist in contract negotiations, financing arrangements, and negotiating ground leases.

We also represent clients in leasing disputes, including those involving maintenance and other lease obligations, and terminations; matters relating to real estate acquisitions, dispositions, and development projects; and cases arising in the bankruptcy context.

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Related Capabilities

Antitrust/Competition	Environmental	Intellectual Property	International Trade
Finance	Labor & Employment	Private Equity	Qualified Retirement Plans
Real Estate	Transactions	Advertising Litigation	Antitrust Transactions
Class Actions & Group Litigation	Commercial Litigation & Disputes		

Employee Benefits & Executive Compensation	Environmental Litigation & Enforcement	
Executive Compensation Plans & Agreements	ITC – Section 337	Litigation/Trials
Mergers & Acquisitions	Patent Litigation	Product Liability & Mass Torts
Public Companies	Tax	

Recent Experience

Empire Portfolio Group Acquisition of Eleven Orangetheory Studios in Northern Virginia and Washington, D.C.

Empire Portfolio Group's Acquisition of Ten Orangetheory Studios in North and South Carolina

Empire Portfolio Group Acquisition of Eight Studios in Maine, Vermont, and New Hampshire

Empire Portfolio Group, a Leading Area Developer and Franchisee of Orangetheory® Fitness, Acquires Four Studios in Connecticut

Secured Settlement in California Wage & Hour Class Action

Rumble Fitness' Sale to Xponential Fitness

Revelstoke Capital Partners' Investment in Orangetheory Fitness

Early Mediation Leads to Quick Settlement in Wage & Hour Class Action

Settled Discrimination Case for Luxury Brand

California Wage & Hour Class Action Ends in Settlement

Resources

[Class Action Insider](#)

[Competition Corner](#)

Related Insights & News

SPONSORSHIP

Winston Sponsors 36th Annual ROTH Conference

MARCH 17, 2024

BLOG

Rejected Settlement Agreement in *Hawes v. Macy's, Inc.* Provides Valuable Lessons on Cy Pres Provisions

FEBRUARY 28, 2024

SPONSORSHIP

Winston & Strawn Sponsors 2023 Retail Law Conference

OCTOBER 25 – 27, 2023

CLIENT ALERT

Place of Business for Proper Venue Requires More than a Related Entity's Physical Presence

JANUARY 6, 2022

BLOG

Atari Loses IP Suit Against Online Marketplace

NOVEMBER 5, 2021

SPONSORSHIP

Retail Law Conference 2021

OCTOBER 26, 2021

SPEAKING ENGAGEMENT

Leading Through Change: Association of Corporate Counsel Webinar

OCTOBER 5, 2021

BLOG

Board May Invalidate Substitute Claims on New Theories

APRIL 9, 2020