



Benesch's Retail & E-Commerce team represents companies spanning Fortune 500 brands and nationwide retailers to manufacturers, e-commerce start-ups and brick-and-mortar boutiques. We know this industry—its regulatory pressure points and operational realities—and we provide practical counsel that moves at the pace of your business.

To stay relevant and competitive, brands must distinguish themselves in a crowded marketplace. And in a rapidly evolving market, the line between competitive advantage and legal exposure is thin. Marketing practices, data use, and compliance programs can all create liability if not managed with precision. We can help you manage that risk without slowing down.

The attorneys who make up Benesch's Retail & E-Commerce Group have decades of experience defending retailers in high-stakes litigation, advising on new regulations, anticipating risks, identifying emerging opportunities and positioning them to compete in a digital-first global marketplace. Clients turn to us for our valuable industry perspective and deep historical knowledge of the business and legal regime. Rather than

accommodate retail and e-commerce clients through other practice areas, Benesch is one of the only firms in the country offering a dedicated Retail & E-Commerce Practice Group. Our broad client base means we see emerging threats early, and can help you act before they become problems.

Several of our team's attorneys have worked in-house at companies like Uber, Hyatt Hotels, Groupon and sweetgreen. That experience shapes how we advise—with an eye toward business priorities, not just legal risk. We handle the issues that matter most: privacy compliance, data breaches, and advertising strategy.



Named a **Top U.S. Law Firm for Retail Companies** by The Fashion Law



Named a **"Highly Recommended Firm"** by Benchmark Litigation



Recognized nationally by Chambers®

BENESCH KNOWS **RETAIL & E-COMMERCE**



100s of

SUCCESSFUL ENGAGEMENTS WITH RETAILERS, E-COMMERCE COMPANIES AND MANUFACTURERS

Our clients span luxury brands, big-box stores, multi-level marketing companies, e-marketplaces and direct-to-consumer start-ups. We bring our broad and deep experience to clients across multiple subsectors, including cosmetics and fashion, grocery chains, boutique and global hotel groups, and restaurants.



100s of

HIGH-STAKES CLASS ACTION SUITS DEFENDED OVER THE PAST DECADE

Today's retailers, hospitality companies and e-commerce operations face more litigation risks than ever before. Benesch's attorneys help our clients anticipate and identify threats before litigation, and defend companies from allegations of data breach, false advertising, product liability and more.



200+

RETAIL INDUSTRY CLIENTS WHO ENTRUST THEIR LEGAL MATTERS TO BENESCH

Our attorneys advise clients on matters spanning advertising, privacy, ADA compliance, private equity, real estate, marketing, promotions and more. With decades of combined experience, it's no wonder that so many Fortune 500 companies and nationwide brands partner with Benesch.

RETAIL & E-COMMERCE SECTORS



Apparel & Footwear

We represent many of the best-known fashion retailers, including department stores, boutiques and luxury retailers. We regularly advise and defend these clients on advertising issues and deceptive-pricing allegations, “Made in the USA,” sustainability, and textile disclosures.



Cosmetics & Beauty

The beauty industry is subject to unique regulatory concerns. We advise leading cosmetics and beauty brands on product-related issues, regulatory compliance and marketing—including influencer, social media and subscription issues. We also defend these clients in high-stakes litigation targeting their flagship products.



Luxury Brands

While lawsuits against high-end brands may look similar to those against other retailers, these companies have unique sensitivities and priorities. Many of the world’s most iconic fashion houses have trusted us to represent their brands in litigation and regularly seek our advice and counsel on retail-related issues. And we routinely speak to this segment of the industry on litigation trends and developments at the Luxury Law Summit.



Start-Ups

Our finger is on the pulse of the changing retail landscape, making us a trusted resource to retail start-ups of all stages and across industries. We advise on innovative, new-to-the-market offerings to help start-ups ensure they comply with existing laws and regulations.



Sporting Goods/Outdoors

Our team is the go-to marketing counsel for many of the country’s most prominent sporting-goods and outdoor equipment retailers. We advise these clients on issues relating to sustainability claims, PFAS, endorsements and product warranties.



Food, Restaurants & Grocery Stores

We work with many of the country’s best-known food vendors, including fast-food chains, corner stores, grocery stores and high-end restaurants. Our work includes defending these clients in litigation and advising them on a range of retail and regulatory issues, including food-transportation regulations.



Furniture

Big-ticket items like furniture come with unique risks, including warranty issues and last-mile delivery complications. We are fluent in these issues, as we represent major furniture retailers, from big-box stores, to e-commerce giants to home-décor startups.



Media & Streaming

We defend media companies against privacy claims involving subscriber-data sharing and tracking technologies. Drawing on our deep understanding of the industry and the relevant technological issues, we’ve successfully resolved these cases for numerous clients.



Cannabis/Hemp

We counsel cannabis/hemp retailers on issues of regulatory compliance, risk avoidance, company formation, contracts and licensing, corporate transactions, advertising and product packaging, brand strategy, and intellectual property protection. We also perform legal due diligence for investors in the cannabis space and guide hemp, health and beauty brand clients in navigating hemp and FDA laws.

RETAIL & E-COMMERCE TEAM



Bryna Dahlin

Co-Chair, Retail & E-Commerce Practice Group
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With more than 25 years of experience, Bryna defends retailers and national brands in high-stakes litigation that directly impacts their businesses and reputations. A seasoned trial attorney, she has led high-profile cases for household name companies and a wide range of class actions in federal and state courts across the country, including cases involving false advertising, product liability, defamation, trademark, trade secret and copyright disputes.

She is frequently called upon to assist clients in navigating sensitive reputation-related challenges. Her experience also includes representing clients before regulatory bodies such as the Consumer Product Safety Commission, the Federal Trade Commission and the National Advertising Review Board.



David M. Krueger

Co-Chair, Retail & E-Commerce Practice Group
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With extensive experience in consumer privacy law, David represents and advises companies in individual and class action litigation involving federal statutes such as the TCPA, FCRA, FDCPA, VPPA and laws governing online tracking and advertising. He has defended matters nationwide, ranging from single plaintiff claims to class actions involving billion-dollar exposure, and serves as national counsel for several Fortune 500 companies.

David is an expert not only in the applicable law, but also in understanding the technologies that are central to developing novel and sophisticated defenses in advertising, customer contact and privacy litigation.



Mark S. Eisen

Partner
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Mark's practice focuses on defending companies against consumer fraud and statutory class actions. He defends cases alleging false labeling and deceptive practices, as well as a broad range of statutory privacy claims, including those brought under the Telephone Consumer Protection Act, the Fair Credit Reporting Act, the Fair and Accurate Credit Transactions Act and the Biometric Information Privacy Act.



Michael Vatis

Partner
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Michael represents retailers in high-stakes litigation, enforcement actions and appeals. He advises clients on U.S. and international privacy and data security compliance, data breach response and regulatory investigations. He is widely respected as a thought leader on evolving privacy issues, including VPPA litigation and emerging state and federal legislation.



Michael D. Meuti

Partner
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Michael chairs the firm's Appellate Team and represents retailers in high-stakes consumer litigation and government investigations. His practice includes defending against false-advertising and consumer-protection claims, advising clients on other complex disputes, and counseling clients on regulatory matters.



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LITIGATION

Class Action Defense

We have defended hundreds of consumer class actions brought under an array of consumer statutes. Our experience includes cases alleging:

- false advertising,
- consumer fraud, including “Made in the USA” claims,
- deceptive pricing,
- federal and state privacy law violations, including call recording laws,
- ADA violations,
- claims challenging company policies addressing automatic renewals, returns and gift cards, and
- alleged violations of California’s Proposition 65.

Well-versed in California law and its various regulations, we are often retained as California defense counsel.

We try cases. That courtroom experience shapes everything we do, from early case assessment to settlement negotiations. We know which arguments hold up under pressure, and which ones don’t. The result: realistic advice, efficient strategy, and outcomes that put your best foot forward and align with your business objectives, whether that means an early resolution or a verdict.

Consumer Products Litigation

We defend product-related claims from filing through trial, including Proposition 65 and PFAS litigation, where we’ve obtained some of the strongest decisions in the field. We also handle high-stakes product-defect cases and CPSC recalls, and advise on risk mitigation when potential defects surface.

Public Enforcement Matters

In addition to defending retailers in consumer class actions, Benesch represents prominent brands in litigation, investigations and other matters brought by local and state prosecutors. Recent examples of our work in this area include:

- Defended claims brought by the California DOJ regarding employment practices, including requiring departing employees to repay training costs if they failed to work for the client for at least two years after completing training.
- Defended a national moving and storage company against drip pricing investigations brought by multiple state attorneys general and the FTC.
- Negotiated with the New York Attorney General to resolve a false-advertising investigation alleging a mismatch between register prices and shelf prices.
- Defending a national home improvement company against investigations by state attorneys general and district attorneys concerning print, TV and online advertising claims, as well as customer complaints regarding sales practices and financing issues.

RETAIL-RELATED ADVISING

We advise retailers on issues ranging from marketing, to privacy, to product packaging, to pricing and other consumer-facing issues. Our prompt, practical guidance helps clients identify risks from new endeavors and snuff out problems before they arise. Our litigation experience informs all of this advice, and our industry experience allows us to help clients benchmark against broader industry practices.

Marketing, Advertising & Promotions

Creative marketing drives growth, but also legal risk. We advise on labeling, advertising and promotions, including text and call campaigns, sweepstakes, gift cards, loyalty programs and consumer data use. We can help you run effective campaigns that stay compliant.

Product Compliance

Benesch has served as outside products counsel for manufacturers across industries, including clothing and apparel, toys, cosmetics, personal care products, tech accessories, furniture, and small home appliances. We regularly review and revise product labeling to comply with regulatory requirements. Additionally, we advise on warranties, sample retention and other product-related policies and procedures.



PRIVACY AND TECHNOLOGY

Compliance

Retailers collect customer data to compete, but face a growing patchwork of state privacy laws and cybersecurity threats. We help you use that data strategically while staying protected. Our services include designing data-management and compliance programs, reviewing policies and notices, and responding in real time to breaches and litigation.

Online Tracking

Online tracking—cookies, pixels, chat recording, session replay—is a growing litigation target. We've defended and defeated dozens of these claims and advise on compliance practices, including cookie consent and privacy disclosures, to reduce exposure.

Website Accessibility

In recent years, we have seen a significant spike in the number of cases stemming from ADA compliance and accessibility on company websites. Our team has crafted novel arguments that have convinced courts to dismiss cases, concluding that accessing a website alone does not support personal jurisdiction. We know which arguments will play in which jurisdictions, as well as when the best move is to reach a nuisance resolution rather than risk a tag-along suit. Our proactive approach disincentivizes plaintiffs' lawyers from continuing to litigate, which triggers client-favorable resolutions.

TCPA

Benesch has been counseling clients on telemarketing matters and defending TCPA claims for more than a decade. We have successfully defended hundreds of cases in dozens of state and federal jurisdictions coast-to-coast, at all levels of litigation, including trial courts, appellate courts, state supreme courts, and before the FCC—and we have defeated dozens of putative class action lawsuits, including by using offensive motions to deny class certification. We likewise have worked with clients to avoid future lawsuits through proactive compliance counseling, particularly relating to the use of third-party lead sources, appropriate consent forms for contact, and reviewing text message and phone call policies and practices. Our successes in this field occur because our attorneys know both the law and the technology that is the cornerstone to compliance counseling and a successful defense.



Retailers need attorneys who understand their business, their customers and their competitors.



Ryan T. Sulkin

Partner
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Ryan advises clients on complex technology transactions, including SaaS, cloud, software development, professional services and outsourcing arrangements. He provides practical, risk-based counsel on data privacy and cybersecurity across highly regulated, data-rich industries. His experience includes designing cybersecurity and data governance programs and advising on U.S. state privacy laws, GDPR, HIPAA and other global data protection and security regulations.



Adriana Beach

Of Counsel
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Adriana brings extensive experience advising global companies on a variety of global privacy and security matters, including corporate transactions, technology transactions, product design, consumer protection, business operations and corporate governance. She has significant experience building and refining scalable compliance programs across various organizations, technologies, regulatory landscapes and geographies. Additionally, she has experience negotiating deals such as private equity transactions, mergers, acquisitions, minority investments and financings.

Transportation & Logistics



Benesch's nationally recognized Transportation & Logistics Practice Group works with clients in the retail and consumer products sectors to help them optimize their supply chains in connection with transportation, logistics, and warehousing. Representative clients run the gamut from some

of the world's largest big-box retailers to middle-market and emerging retailers in various verticals (including clothing/apparel, hardware, home and garden, food and pharmaceuticals, automotive and fuel, and many others). Our practical, operations-oriented team provides our clients with multidisciplinary solutions—drafting and negotiating services contracts, developing metrics that properly incentivize service providers, designing private fleets, resolving business disputes, assisting with international trade compliance, providing regulatory advice, helping with in-transit freight finance, and generally providing day-to-day business advice and counsel.



Jonathan R. Todd

Partner and Vice Chair, Transportation & Logistics Practice Group
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Jonathan's nationally recognized practice targets the risks and opportunities that businesses encounter when goods move through domestic and international supply chains. All providers and users of supply chain services face challenges in transportation and logistics, warehousing and distribution, customs and trade, and procurement and business operations, as well as the disputes that follow. Jonathan represents the retailers, manufacturers, distributors, carriers, brokers and forwarders that contribute at every step of the end-to-end supply chain in those matters.

Brand Protection

We help retailers protect their brands, and defend against claims that threaten them. Our work includes defending design patent and trade-dress claims in the fashion space, resolving copyright disputes over unauthorized use of photos, music, and video on social media, and advising marketing teams on using third-party content. When infringement actions are necessary, we bring them. When they're brought against you, we resolve them efficiently and, where possible, keep your name off the public dockets.



Mark E. Avsec

Partner and Vice Chair, Intellectual Property Practice Group
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Mark's practice focuses on complex technology licensing deals involving creative content, 3D-printing industry-related counseling, copyright, trademark, and trade dress litigation, copyright and trademark prosecution, fair use and rights of publicity/privacy counseling, celebrity endorsements, and expertise in privacy and data security compliance. He regularly advises retailers on social media-related music issues. Before becoming a lawyer, Mark earned a living as a studio musician, producer and songwriter, writing over 500 songs and producing or performing on more than 35 albums for, among other artists, Carlos Santana, Bon Jovi, Donnie Iris, Mason Ruffner, and Wild Cherry.

Labor & Employment

Benesch's Labor & Employment attorneys routinely support our national retail clients with a full range of services spanning executive recruiting, diversity and inclusion commitments, employee retention and engagement, workplace policies and benefits, workforce reduction efforts, and more. Our litigation team also helps company leadership assess and eliminate workplace risks and provides counsel through crises that may arise in the workplace.

We have represented employers in virtually every type of lawsuit and forum. This includes discrimination charges before the EEOC and state fair employment practice agencies; employee harassment and discrimination, wage/hour, wrongful discharge, and breach of contract claims in federal and state courts; prosecuting and defending claims for enforcement of noncompetition agreements and trade secret rights; and arbitrations under employment and collective bargaining agreements.

Corporate

General Counsel Services

Our Corporate attorneys regularly serve in an outside general counsel (OGC) role for our clients in this industry. Clients rely on our team for comprehensive corporate counsel, which can be a cost-effective, scalable and responsive solution for their business needs. Benesch attorneys serving as outside general counsel become an integral part of a client's business, performing a range of services that offer significant benefits.

Paying an OGC fee or retainer can be less costly and more efficient than having general counsel on staff, particularly since in-house counsel must often engage external resources for matters outside the scope or scale of their normal duties or skill set. Benesch is well positioned to serve in many capacities, able to handle less involved matters cost-effectively while bringing to bear sophisticated resources and experience on more complex matters. Our goal is to reduce your overall legal spend or deliver greater value for the same legal spend.

M&A

Benesch's Corporate attorneys counsel retail and e-commerce clients in all aspects of complex M&A transactions. The types of M&A matters we handle cover the full spectrum of negotiated and contested situations, including advance preparation/diligence for prospective targets, asset sales and purchases, mergers, corporate governance advice, leveraged buyouts, private equity, proxy contests, recapitalizations, stock sales and purchases, and equity and debt offerings.

Commercial Transactions

Structuring favorable transactions for key partners, vendors and service providers is foundational to any successful retail and e-commerce business. Our transactional attorneys have represented retailers in a broad range of contract negotiations, including vendor agreements, shop-in-shop agreements, influencer agreements, co-marketing agreements, licensing matters, SaaS agreements and more.

Private Equity

Private equity investment is the foundation of so many of today's retail and e-commerce operations. Our attorneys have decades of experience providing services to private equity clients across the retail, hospitality and consumer products spaces, including forming a venture capital fund focused on early-stage retail investments, defending portfolio companies through high-stakes litigation and assisting our private equity clients with the identification, purchase and/or sale of new investments for their portfolios.



Andrew Glickman

Partner

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A former general counsel for both public and private companies, Andrew combines extensive corporate experience with a firsthand perspective, helping clients identify opportunities and overcome hurdles. Notably, Andrew served as the General Counsel and first lawyer at sweetgreen, a fast-growing ESG-focused company in the Food & Beverage space. In this role, he was instrumental in building the legal team and establishing key legal processes. He led the company's equity and debt financing rounds and M&A transactions and was key in leading the company's IPO process. Additionally, he was the chair of the Nominating and ESG committee at sweetgreen and was responsible for overseeing its first-ever ESG report as a public company. Andrew's experience also includes overseeing M&A Legal at Uber, where he managed over \$50B of M&A, equity, and debt financing transactions, and his early career as an associate at K&E, where he honed his expertise in mergers, acquisitions, capital raising, IPOs and corporate governance matters.