Manufacturing

Barclay Damon's attorneys partner with manufacturers in a wide array of industries to provide comprehensive legal support and counsel grounded in a deep understanding of the business goals of our clients. We have generations of experience advising and representing manufacturers on matters involving business formation, operations, acquisitions and dispositions, facility expansion, supply-chain issues, succession planning, regulatory compliance, research and development, and tangible- and intangible-asset protection. Our bench of skilled litigators work hand in glove with our business attorneys to provide focused, efficient representation when disputes with regulators, law-enforcement officials, customers, competitors, and vendors arise.

Our experience in manufacturing-related matters includes:

- Automotive products and related electronic devices
- Custom-made industrial parts and components
- Energy-industry components, including manufacturing related to the oil, gas, hydropower, wind, and solar-energy fields
- Fluid-power industry components
- Food and beverage products, including equipment and consumables
- Gaming and entertainment equipment
- HVAC equipment
- Hydraulic presses
- Lighting
- Marine-transport and shipping components
- Medical products and devices, including medical equipment components

Representative Experience

- Represented a national lighting manufacturer and supplier in connection with the substantive revising of its terms and conditions of sale.
- Obtained an order dismissing the case with prejudice following a successful motion to dismiss under Rule 12 of the Federal Rules of Civil Procedure. The client successfully demonstrated that it had immunity from the majority of the plaintiffs' claims under the Protection of Lawful Commerce in Arms Act and that the plaintiffs were otherwise unable to state a viable cause of action on their remaining claims for breach of the Texas Deceptive Trade Practices Act and for breach of implied warranty of merchantability.
- Successfully challenged four "serious" citations of alleged violations of OSHA's hearing conservation program standards, resulting in the withdrawal of one citation, the reduction of three citations to "other than serious," and a 50-percent fine reduction, on behalf of a hardwood flooring manufacturer.
- Successfully obtained summary judgment dismissal of the action with prejudice. After the client, a distributor of automotive products and solvents, made a prima facie showing of entitlement to summary judgment based on indemnity agreements and pass-through liability theory of defense, the plaintiff failed to demonstrate that the client had any independent liability for which it was not entitled to indemnification from the product manufacturer(s).
- Represented a client in disability and family status discrimination claims filed by a former employee before the New York State Division of Human Rights, who found no probable cause that the client engaged in or is engaging in discrimination.