



Manufacturing

Burr & Forman's manufacturing experience dates back to the early 1900s when founding partner, Walker Percy, represented Tennessee Coal and Iron (now U.S. Steel Corporation) in an antitrust case. Our manufacturing team has played a critical role in attracting major economic development projects to locate and expand in the South, resulting in \$24 billion in capital investment and the creation of more than 33,000 jobs.

We work with a number of manufacturers including:

- Automotive
- Aviation
- Maritime
- Chemicals
- Consumer goods
- Medical devices
- Pharmaceuticals
- Paper & plastic products
- Forest products
- Rail & road transportation
- Food & beverage (manufacture & supply)
- Electronics
- Equipment & machinery
- Metals

We assist manufacturers in a number of areas including:

- Commercial contracts
- Construction

PROFESSIONALS

Robert B. Adams
Douglas L. Anderson
Jeffrey T. Baker
Jacob A. Burchfield
Jennifer M. "Ginger" Busby
D. Christopher Carson
C. Paul Cavender
Edward R. Christian
John J. Coleman, III
C. William Daniels, Jr.
Marcel L. Debruge
Damon P. Denney
Ronald W. Flowers
Cheri Turnage Gatlin
Michael L. Hall
Chester "Chet" J. Hosch
Gregory F. Lunny
April McKenzie Mason
Warren C. Matthews
Derek F. Meek
K. Bryce Metheny
John C. Morrow
Norman M. Orr
Thomas K. Potter, III
Nathaniel T. Quirk
Bruce A. Rawls

Manufacturing

- Corporate governance
- Employment & labor relations
- Environmental permitting
- Financing
- General corporate matters
- Immigration
- Incentive implementation & negotiation
- Intellectual Property
- Litigation
- Machinery & equipment
- Mergers & acquisitions
- Plant operations & infrastructure
- Product liability
- Site selection
- State & local tax
- Supply chain

Plant Operations & Infrastructure

Our plant operations team includes a former in-house counsel and plant engineer for ThyssenKrupp Steel USA. Having team members who have been immersed in day-to-day plant operations gives Burr a distinct advantage when it comes to providing legal guidance and strategy.

Our experience covers the following:

Infrastructure

We work with clients to draft, negotiate, and interpret infrastructure contracts, including electrical power, natural gas, potable and process water, wastewater treatment and discharge, telecommunications, roads, river terminals, and other on-site facilities.

Logistics

We represent our clients in drafting, negotiating, and interpreting logistics-related contracts, including river terminals (docks), stevedoring, truck, rail, and intra-plant transportation.

Ty G. Roofner
Shea Sullivan
William "Lee" Thuston
Peter C. Vilmos
John F. Wall, IV
David G. Wanhatalo
Callie Sullins Whatley
Amy Jordan Wilkes
Ronald D. "Scott" Williams

RELATED INDUSTRIES

Construction & Project Development

RELATED AREAS

Economic Development

Environmental

Labor & Employment

Real Estate

Tax Law

Manufacturing

Machinery & Equipment

Our team handles matters spanning the entire life cycle of machinery and equipment, including procurement, contract negotiation and preparation, installation, commissioning, IT interface, final acceptance testing, and warranty issues. Additionally, we handle equipment and construction issues, including general contractor and subcontractor licensing for turnkey and non-turnkey equipment vendors and procurement contracts.

Owner-Controlled Insurance Programs (OCIPs)

We assist owners with the development of OCIPs for their construction projects. This includes drafting owners contract terms and conditions so they conform to OCIP.

Plant Safety

We advise clients on plant safety, safety training, and compliance with safety policies, including OSHA compliance during construction and plant manufacturing operation. Additionally, we handle matters related to noncompliant employees.

Product Sales

We draft and negotiate sales contracts and related terms and conditions and assist with product certification, including statutory obligations and industry-recognized certifications (e.g., UL). We also handle drafting and interpretation of claims policies while also handling claims and necessary litigation.

Procurement

We represent our clients in sourcing and contracting necessary plant operations items, such as maintenance, repair, and operations (MROs), machinery and equipment, services (repair, maintenance, construction, professional, etc.), raw materials, industrial gases, consumables, and spare parts.

Toll Processing

Our team is experienced in handling toll processing arrangements, where a manufacturer with specialized equipment purchases or processes raw materials or semi-finished goods for another company. Such arrangements may be between manufacturer and customer or between a manufacturer, customer, and a third-party service provider.

Supply Chain

Our team provides clients with effective legal solutions designed to improve supply chain management and foster productive relationships with their suppliers, licensees, distributors, and logistics providers.

A few of the important supply chain issues on which we provide guidance include:

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- Forming and implementing effective supply chain strategies, including franchise systems, distribution methods, third-party logistics arrangements, public procurement, information technology, and business process outsourcing, intellectual property, and business structuring and tax planning
- Protecting our clients' interests when suppliers are financially troubled and/or file for bankruptcy
- Identifying and implementing strategic partnership arrangements with suppliers and service providers all along the supply chain
- Screening suppliers and providing financial analysis to our clients
- Developing policies and procedures to minimize the effects of supply chain disruption
- Forecasting and mitigating the risks of disruption and allocating liability among responsible parties
- Negotiating long-term third-party logistics provider agreements for warehousing and the distribution and delivery of goods on a national basis
- Settling and resolving disputes between outsourcing companies and third-party logistics providers and customers
- Advising and litigating on the distribution process in all 50 states and internationally
- Negotiating, structuring, and closing acquisitions and other strategic transactions involving the assets of warehouse, distribution, transportation, and delivery businesses

Litigation

Our team of litigation attorneys works extensively with manufacturers on litigation prevention. However, when issues arise we have trial, mediation, and arbitration experience in numerous areas, including:

- **Antitrust / Pricing Discrimination**
Burr's attorneys represent manufacturers in federal and state antitrust matters, including grand jury investigations, trials, and appeals in federal and state courts, and in Federal Trade Commission proceedings. Our attorneys represent clients in private treble damage litigation and in both pricing and distribution actions, as well as in dealership and agency termination lawsuits. Our team litigates pricing claims brought under state motor fuel marketing acts and the UCC.
- **Employment Litigation**
Our team defends manufacturers in state and federal courts on matters ranging from individual claims to the most complex class and collective actions involving dozens to thousands of employees.
- **Mass Torts / Hazardous Substances**
- **Personal Injury**
Burr represents manufacturers and their insurers in personal injury and wrongful death cases throughout the country.
- **Product Liability / Manufacturing & Sales Defects**
Burr defends manufacturers against claims alleging product defects caused injury or death to one or more persons, sometimes involving complex discovery and crucial expert witnesses.

Manufacturing

Listen to our attorneys tell you more about how we help manufacturers.

Experience

- Favorable Jury Verdict in FLSA Action
06.21.2023
- Acoustic Solutions Manufacturer Establishes U.S. Headquarters
09.02.2022

News

- Ed Christian Featured in Birmingham Business Journal CEO Sit-Down Series
Media Mention, *Birmingham Business Journal*, 12.29.2023
- Burr's Nate Quirk Named to Leadership North Carolina's Class of 2023
Firm News, 11.12.2023
- Burr's Ed Christian Graduates from Leadership Birmingham
Firm News, 07.25.2023
- John Wall Named to the South Carolina Supreme Court Pro Bono Honor Roll
Firm News, 06.26.2023
- Burr & Forman's April Mason Named to *Franchise Times's* Legal Eagles
Firm News, 04.20.2023

Publications

- To Fee or Not to Fee: New Law Changes the Fee In Lieu of Tax Analysis for Manufacturers
Tax Law Insights, 07.13.2022
- Jonathan Eggert Discusses DOL's Rule Delay for Employers of Foreign Workers in The HR Daily Advisor
Articles / Publications, 05.20.2021