

Agribusiness & Animal Health

Representing clients across the agribusiness industry on business-critical matters



Representing farmers, ranchers, equipment and products manufacturers and distributors, and animal food and drug companies, the Nelson Mullins Agribusiness team combines exceptional advocacy and extensive experience, representing clients across the agribusiness industry on business-critical matters.

Transactions, Regulatory Matters & Litigation

We structure, negotiate, and enforce supplier/distributor and purchase and sales agreements, real estate deals, and other business transactions, resolve labor and employment issues, and represent clients in regulatory matters, product liability-related lawsuits, and other consumer and commercial litigation. Our lawyers advise regarding feed and food additive products, veterinary pharmaceuticals, animal-related products, day-to-day operations issues, digital health matters, product labeling, advertising and promotions, intellectual property (IP) strategy, and more.

From single-plaintiff cases to multiparty and multidistrict litigation and class actions, we have an impressive record of resolving cases favorably for our clients. Our experience includes various products, such as pesticides, insecticides, veterinary prescription medications, vaccines and treatments, health-related products, dairy products, fruits and vegetables, flea and tick products, and other animal products. We have handled regulatory matters involving cattle, horses, poultry, pigs, hogs, and other farm animals and litigation involving antitrust, environmental, consumer fraud and unfair business practices cases, product liability, workplace safety and facility injury claims, and various other matters.

Public Policy and Legislative Advocacy

Working collaboratively with our Government Relations lawyers and policy advisors, we advocate for clients on public policy matters involving animal welfare, traditional and leading-edge animal and farm products-related matters, and other concerns. Our lawyers also are experienced in handling public policy matters and advocating for our clients regarding legislation.

Regulatory Compliance and Risk Avoidance Counsel

Recognizing that risk avoidance is the best strategy, we regularly conduct litigation risk assessments, counsel clients on exposure mitigation, and advise on compliance with EPA, FDA, FTC, and USDA regulations.

Why Nelson Mullins?

Composed of transactional lawyers, litigators, regulatory attorneys, product liability, employment, government relations, real estate, and IP lawyers, as well as attorneys with medical and engineering backgrounds, our Agribusiness Group offers clients a well-rounded perspective backed by the experience needed to protect their interests, ensure regulatory compliance, avoid liability, and advance their business objectives.

Experience

The following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Litigation

- In addition to representing this Miami manufacturer in all aspects of employment and human resource management as outside general counsel, Kristin Ahr represents Custom Veterinary Services in a lawsuit filed in the Federal District Court for the Southern District of Florida in a claim brought by a former employee for alleged violation and retaliation under the Family Medical Leave Act. Plaintiff was terminated from the Company and claims that his request for a day off for a medical test triggered his rights under the FMLA.
- Served as lead trial counsel in a trial for a client who manufactures a weedkiller product, winning a defense verdict on three of four accounts. Several members of the firm are also servicing as science captains for this same product in trials across the country.
- Advise Veterinary Hospital in regular workplace matters as well as manage as general counsel an employment litigation in New York State Court, Richmond County against the client. To date, the court dismissed complaint against one corporate entity of client. The litigation is ongoing regarding the claims against other corporate entity.
- Wildlife Collections, LLC d/b/a Fahlo is a North Carolina-based company that produces bracelets and plush toys that both tracks an animal and works to save wildlife. Nelson Mullins assists Fahlo in connection with employment disputes, general employment counselling and advice, and litigation avoidance. As a larger startup Fahlo needed good employment documents. Nelson Mullins prepared a handbook, employment policies, including restrictive covenant and confidentiality agreements, employee separation agreements, offer letter templates and independent contractor agreements. Nelson Mullins also conducted an internal employee classification audit and advised Fahlo on compliance with the new DOL laws on salary minimums.
- Representing a client being sued for alleged breach of the parties Supply and Distribution Agreement concerning manufacture and sale of certain animal pharmaceuticals. Case settled favorably on the second day of trial.
- Represented a farming entity in a case involving the fatal injuries sustained by decedent while delivering materials to our clients' property. This claim was fully and finally resolved with the Maryland's Workers Compensation Commission.

Corporate

- Represented Lightrock as its U.S. counsel in a \$27 million Series B financing round for Agrolend Holding a FinTech institution created to revolutionize the agribusiness sector. Agrolend is a financial institution that assists small and medium size farmers in obtaining fast and easy credit to purchase the raw materials used for their farming needs. The Series B investment will allow Agrolend to increase its loaning power and for future farming seasons. Agrolend provides loans without physical guarantees with an innovative credit analysis helping farmers respond quickly to their farming needs. Handling corporate matters as outside general counsel for company developing, producing, distributing and marketing animal grade pharmaceuticals and feed additives
- A Nelson Mullins deal team led by Rhys Wilson represented Taylor Orchards, Georgia's largest peach producer, in a sale to International Farming Corporation (IFC). The starting point for the transactions was a reorganization of multiple entities, owners, and properties into the two selling entities (clients). The actual transaction included the transfer of a processing plant and related packing operations and extensive real estate and environmental aspects, including the transfer of 28 leased tracts and 19 owned tracts of farmland. As part of the transaction, in addition to substantial cash proceeds, the CEO was able to obtain an equity position in the buyer on a tax deferred basis. This was the second large Georgia agribusiness that this deal team has represented in a sale to IFC in the past 2 years.
- Represented Swansboro Animal Hospital – Emergency and Trauma Center, PLLC, during the sale of its sizable veterinary practice to Alliance Animal Health affiliated entities, as part of a growing trend of roll-ups in the veterinary care profession.
- Led by Cara Ludwig, Nelson Mullins represented North Carolina-based Health Care Group (all pet lovers) throughout their transaction, reaching a timely and effective closure.
- Represent CareVet LLC as its primary outside counsel for mergers and acquisitions.
- In 2021, Nelson Mullins handled 10 buy-side transactions, pursuant to which CareVet LLC acquired the assets of veterinary practices across the country. These transactions often include separate real estate transactions as well as negotiations of employment agreements, non-compete agreements, and other key ancillary documents.
- Represented a Brazilian animal health and pharmaceutical company as an investor in connection with a seed financing via investment of SAFEs.
- Engaged as general corporate for dog food manufacturer, work includes immigration matters.
- Handled all corporate aspects in sale of a pet food store.
- Represented a system of veterinary hospitals in a series of acquisitions.

Regulatory/Government Regulations

- Nelson Mullins was instrumental in the development and implementation of the State of Florida's Wildlife Best Management Practices (WBMP). The WBMPs recognized the Agriculture Industry's contribution to wildlife management, specifically endangered or threatened species, by establishing voluntary WBMPs and a policy that provides that the incidental take of a listed species while undertaking normal agricultural activities are not subject to an enforcement action for an illegal take of that species. In the absence of such policy, the industry would be required to obtain permits for ongoing normal activities, some of which have been ongoing for decades, and convert the voluntary WBMP program into a mandatory program.
- The State of Florida is undertaking a review of that policy and Nelson Mullins organized and is leading the agricultural interest in working with the State to maintain the policy.
- The Canadian province of Saskatchewan relies on former U.S. Ambassador David Wilkins and the Nelson Mullins government relations team to highlight and create awareness of the most important provincial issues before the impact players in Washington, D.C.
- Over the years, Nelson Mullins has worked alongside our provincial partner in addressing its concerns regarding carbon capture and sequestration; oil and pipelines; uranium imports; agriculture and country of origin labelling, and critical

minerals. Setting up key meetings with Administration and legislative decision makers in Washington, D.C. is a key component of our representation.

- Successfully represented client in appeal of FDA's erroneous determination that certain animal drug products were adulterated.