

AGRIBUSINESS

OVERVIEW

BCLP's Agribusiness Practice understands the drivers of the agribusiness markets so that we can better serve and anticipate our clients' needs. We assist many agricultural and agribusiness companies, as well as significant lenders and investors in agribusiness, in their day-to-day business matters, financing and acquisitions for growth and litigation/risk mitigation. We provide science and manufacturing-based companies with advice and resources for trade and international sanctions compliance, domestic and international commercial alliances, strategic planning, product development, intellectual property strategy and management, asset acquisition and mergers, identification of complementary technologies and insurance and risk management.

MATTERS HANDLED RECENTLY FOR AGRIBUSINESS CLIENTS

- Regulatory issues, including environmental, FDA, USDA and antitrust
- Domestic and international mergers and acquisitions
- Commercial and venture financing
- Commercial transactions
- Joint ventures and licensing
- Funded research and product development agreements
- Formation issues for start-ups, such as venture capital, strategic investments, commercial agreements and intellectual property protection
- Defense of consumer and commercial labeling claims

AGRIBUSINESS MIDDLE MARKET TRANSACTIONS

Our team has extensive experience handling strategic transactions of all sizes, including numerous deals in excess of \$1 billion. A key differentiator from other Tier 1 firms is our market-leading position in the middle market transaction space (i.e., deals valued between \$50 million and \$500 million). Because middle market deals are a particular strength of our firm, we offer a more sophisticated and efficient approach to navigating the particular challenges of this part of the

market than our counterparts who focus primarily on isolated larger-scale deals and whose cost structures are considerably more expensive. Our team is known for providing informed, nuanced and creative counsel to develop unique and yet efficient solutions for each transaction. We also have extensive experience with private equity sponsors, and appreciate the concerns particular to these transactions so that legal issues are addressed, liability exposure is reduced and business opportunities are realized.

HIGH VALUE AGRIBUSINESS LITIGATION & REGULATORY DISPUTES

Our Agribusiness Disputes team represents agribusiness companies, farmers and collectives in disputes, and in avoiding disputes, across the agricultural spectrum, including disputes related agricultural chemicals and inputs, dairy farming, protein production and agtech. We have particular experience regarding disputes and litigation in trade secret, personal injury, property damage, antitrust, data privacy, and a wide variety of commercial and contractual disputes.

Our team has substantial experience in major multi-district and class action litigation, representing some of the most well-known agribusinesses in the world, in high profile claims. We've handled dozens of cases across the country involving off-target pesticide application and pesticide drift, crop loss, chemical exposure, and catastrophic personal injuries. We also advise various farming associations regarding disputes with the USDA, and labeling claims for meat and dairy products. Additionally, we counsel clients on the related risk management, testing requirements for approval of new herbicides, business operations issues, as well as assist with the recovery for business interruption, brand damage and other losses.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Food & Agribusiness

EXPERIENCE

AGRIBUSINESS MIDDLE MARKET TRANSACTIONS

- Advised the largest U.S. producer of potash and phosphate fertilizer in various strategic agreements including:
 - in its strategic partnership with Sound Agriculture, to bring a revolutionary nutrient efficiency product to market to boost yields across major row crops and improve soil health.
 - in its collaboration with a developer of microbial solutions that enhance plant phenotypes and increase crop yields.
 - in its collaboration with a leader in discovering and developing innovative agricultural products from diverse microbial communities.
- Represented one of the world's largest dairy cooperatives with nearly 13,000 dairy farmer members in 48 states marketing approximately 63 billion pounds of milk annually, in:
 - acquisition of sole ownership of a manufacturer of innovative cheese and dairy ingredients for the global food industry.
 - acquisition of a dairy cooperative owned by more than 2,300 farmers in the northeastern U.S.
- Represented a privately held food and agribusiness company in its agreement to acquire a leading agricultural retailer. The acquisition brought together two market leaders in the distribution of agricultural crop inputs and related services to create one of the largest ag retailers in the U.S.
- Represented a biotechnology company developing nematicides in its sale to a Switzerland-based world leader in agri-business focusing on sustainable agriculture for \$113 million.
- Represented an agricultural technology company in its acquisition of the assets of an Iowa-based company delivering novel high-yielding, highprotein non-GMO soybean varieties.
- Represented a company operating a program of breeding, procuring, feeding and processing F1 Wagyu cattle and selling F1 Wagyu beef products, in the company's sale of certain assets to a food processing company.

- Represented the largest family-owned pork production company in North America, in its acquisition of two sow farms from affiliates of a global leader in animal health and nutrition providing research-based products worldwide to owners and producers of various animal species.
- Represented a private equity agribusiness asset manager with more than \$1.8B under management, in its acquisition of a developer of sustainable supply chains in global agriculture.
- Represented a provider of agricultural supply sales, grain purchasing, and storage options for farmers in multiple midwestern states, in its acquisition of a full service agricultural retail and grain handling organization operating in western Iowa.
- Represented a leading global agribusiness and food company, in its sale of its 28% stake in the world leader in developing soy technologies and ingredients to its joint venture partner for \$440 million.

HIGH VALUE AGRIBUSINESS LITIGATION & REGULATORY DISPUTES

- Defending putative class action asserting violation of consumer false advertising laws based on labeling of products as being from “grass-fed cows” and “natural.”
- Defended global provider of crop inputs and services in personal injury cases nationwide, including chemical exposure and catastrophic personal injury claims.
- Defended agricultural chemical applicator in claims and lawsuits alleging off-target herbicide movement and chemical drift.
- Represented global agricultural company in government investigations and regulatory actions.
- Handled numerous indemnification disputes regarding generic crop chemicals.
- Successfully handled innumerable contract disputes for shipping, services, supply, and distribution agreements.

RELATED INSIGHTS

News

Feb 20, 2024

Chambers Global 2024

News

Feb 18, 2022

Chambers Global 2022

Blog Post

Nov 11, 2021

UPDATED: The Delta-8 THC Loophole

Insights

Sep 21, 2021

UK Government revises post-Brexit border controls timetable

Events

Aug 12, 2021

BCLP Sponsors 2021 Ag Outlook Forum

BCLP is a sponsor and has key involvement in the 2021 Ag Outlook Forum, to be held Sept. 20 in Kansas City, Missouri. The firm is a longtime supporter of the presenting group, the Agricultural Business Council of Kansas City.

Blog Post

Jun 07, 2021

Is 2021 the Year for Federal Cannabis Legalization?

Insights

May 24, 2021

The New Mass Tort: Herbicides

News

Mar 09, 2021

BCLP Advises The Mosaic Company in Strategic Partnership with Sound Agriculture

The international law firm BCLP advised The Mosaic Company in its strategic partnership with Sound Agriculture, to bring a revolutionary nutrient efficiency product to market to boost yields across major row crops and improve soil health. The companies will collaborate on the development and distribution of a proprietary mix of Sound's bio-inspired chemistry and key micronutrients.

Awards

Feb 18, 2021

Chambers Global 2021