



STEVEN M. STIMELL

Partner

New York

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BIOGRAPHY

Steve is the managing partner of the New York office and co-leads the firm's Global Hospitality Team. He is a seasoned litigator and employment lawyer with over 30 years of experience handling complex commercial and employment law disputes.

Steve has deep experience advising hotels, resorts, restaurants and others in the hospitality sector in a wide variety of matters including, among others, owner-operator relations, employment, complex commercial disputes, customer loyalty programs, fiduciary duty claims and accessibility issues including website accessibility.

Steve is also a long-standing member of the Firm's Sports and Entertainment Group and spends a substantial amount of time representing clients in that industry including the leading headwear brand in the world. His work in that area covers numerous disciplines and he is viewed as a trusted advisor on complex strategic issues for clients in that sector.

PROFESSIONAL AFFILIATIONS

- Federal Bar Council
- New York State Bar Association – Employment and Labor Relations Committee
- Association of the Bar of the City of New York

EXTENSIVE LITIGATION AND EMPLOYMENT EXPERIENCE

Steve's litigation practice includes trials in state and federal court as well as alternative dispute forums. Steve is also the former co-leader of the firm's Employment & Labor Practice Group. His employment practice is comprised of counseling employers in all facets of employment related issues including, among others, discipline, termination, policies, reductions-in-force, FMLA, ADA, ADEA, and FLSA. He has defended employers in actions brought in federal and state court, in arbitration as well as before state and federal administrative agencies.

ADMISSIONS

- Massachusetts, 1989
- New York, 1988

EDUCATION

New York University, J.D., 1987

Binghamton University, B.A., with outstanding academic achievement, Phi Beta Kappa, 1984

RELATED CAPABILITIES

- Employment & Labor
- Investigations
- Regulation, Compliance & Advisory
- Litigation & Dispute Resolution

- Contract, Endorsement & Celebrity Representation
- Anti-Doping
- Sports & Event Venue Real Estate Infrastructure & Operation
- Naming Rights & Sponsorship
- Sports & Entertainment M&A
- Sports, Media & Entertainment Litigation
- Collegiate Sports
- Sports, Media & Entertainment
- Entertainment Industry
- Food & Beverage
- Restaurants, Pubs & Clubs
- Olympic & National Governing Bodies
- Professional Sports Team Representation
- Hotels & Hospitality
- Real Estate
- Real Estate Disputes
- Sports & Event Financing
- Cross-border Employment Issues
- Employment Class & Collective Actions
- Food & Agribusiness
- Business & Commercial Disputes

EXPERIENCE

- Has served as national counsel for international hotel chain for more than 15 years providing advice on a broad range of hospitality-related issues and overseeing all firm work on behalf of client
- Successfully resolved high-profile lawsuit involving allegations of multimillion dollar fraud on customer loyalty program
- Successfully represented hotel operator of a luxury hotel in Hawaii in a commercial arbitration challenging termination based on alleged failure to meet performance test
- Represented numerous hotels in connection with US DOJ multi-year compliance audit related to accessibility issues at New York City hotels
- Successfully defended hotel operators in numerous employment discrimination actions in federal and state court as well as arbitration

- Defended timeshare operator in litigation concerning alleged misrepresentation in sales process
- Provides counseling advice and litigation services to several well-known national restaurants

RELATED INSIGHTS

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Jun 30, 2021

California Federal Court Holds Domino's Website Violates the ADA, Limits Penalties Under Unruh Act to \$4,000

Insights

Apr 08, 2021

Website Accessibility Alert: Eleventh Circuit Court of Appeals Issues Important Split Decision in Winn-Dixie Website Action

Businesses with an online presence should take note that the United States Court of Appeals for the Eleventh Circuit has held—in a split decision—that websites are not places of public accommodation under Title III of the Americans with Disabilities Act ("ADA").

Insights

Jul 29, 2020

Hong Kong Competition Commission accepts commitments by OTAs on removal of price parity clauses

On 13 May 2020, the Competition Commission of Hong Kong (the Commission) accepted commitments from three hotel booking platforms (known as online travel agents or OTAs) to remove parity clauses relating to room prices, conditions and availability from their contracts with accommodation providers, and not to enforce such obligations directly or indirectly. This is the first time the Competition Commission accepted voluntary

commitments under the procedure set out in section 60 of the Competition Ordinance (Cap. 619) (the Ordinance). The commitments were offered by US-based Expedia group, Amsterdam-based Booking.com and Shanghai-based Trip.com (formerly Ctrip.com) in exchange for the Commission discontinuing its investigations and not commencing proceedings in the Competition Tribunal. The commitments will be in force for five years. Under the commitments, no admissions wer...

Insights

Jul 09, 2020

Impact of COVID-19 on performance tests in hotel management agreements

COVID-19 has had a dramatic impact on the hotel sector, causing occupancy rates to plummet around the world. Periods of closure and low occupancy will have a negative effect on the financial performance of affected hotels and may trigger performance test clauses in hotel management agreements. In this article, we examine the typical structure of a performance test, whether they are likely to be triggered due to the COVID-19 pandemic and whether operators have any options to avoid termination.

Insights

Apr 10, 2020

Five Steps for Drafting an Effective “Extenuating Circumstances” Cancellation Policy for Your Consumer Contracts in the United States

As local and national regulations seek to “lower the curve” of infections of the COVID-19 illness, they have forestalled a host of consumer transactions, most notably those regarding travel, hospitality, and community events. Even if such regulations do not absolutely prohibit the fulfillment of those transactions, companies must confront the fact that consumers will still want to cancel them for the health and safety reasons. When this happens, companies’ standard cancellation policies or then-effective termination or force majeure clauses in their consumer contracts are likely insufficient to deal with the high consumer demand for contract cancellations. Therefore, companies should consider being prepared to enact “extenuating circumstances” cancellation policies (“ECCPs”) to excuse performance under existing consumer contracts. BCLP has prepared a list of five steps for drafting effective ECCPs to assist y...