

## EQUINE

Hodgson Russ provides legal counsel to owners, breeders, trainers, and businesses in the equine industry. Our knowledge of the equine industry, combined with our experience in all major areas of U.S. law, make Hodgson Russ particularly adept at protecting the diverse needs of the equine professional, owner, and business. Our representation includes equine-related advice and representation on litigation and dispute resolution, contracts, financing and corporate transactions, real estate acquisition and leasing, zoning, employment issues and immigration, estates and trusts, and tax planning.

Our practice spans the many aspects of equine law, including the following:

**Equine Litigation.** Our multidisciplinary team handles every aspect of litigation that may arise in the equine industry. Our team has experience litigating and settling horseback riding accident and negligence claims, agency issues, sales and ownership disputes, and contractual claims.

**Equine Contracts and Releases.** Our attorneys are available to assist clients with negotiating and drafting equine contracts, including boarding agreements, breeding contracts, purchase and sale agreements, commission agreements, and liability releases and waivers.

**Equine Liens.** Our team has assisted equine boarding and training stables with issues related to nonpaying boarders, including negotiating payment of outstanding fees, obtaining and enforcing equine liens (also known as horse liens, agister's liens, and stablekeeper's liens), and coordinating the transfer of registry papers.

**Racing.** Our attorneys regularly represent owners of racetracks in regulatory matters before state gaming commissions and in negotiations with off-track betting facilities.

**Tax Planning/Dispute Resolution.** Our attorneys are well versed in New York State and New York City tax issues, as well as multistate, international, and cross-border tax matters. From planning and compliance to litigation and damage control, our team provides legal solutions specifically tailored to meet our clients' complex requirements. Our specialized team of attorneys assists clients on the tax implications of their equine operations, including minimizing corporate and/or personal income tax consequences, navigating the often complex sales and use tax rules specific to the equine industry, and handling tax audits and other tax-related disputes.

**Trusts and Estates.** Our team provides sound legal advice and insight to help provide for your horses' uninterrupted and continuous care if they outlive you. Our attorneys are highly skilled in dealing with all estate planning tools, including

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### Professionals

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complex equine trusts. We advise clients on all aspects of planning, administration, settlement, and taxation of estates and trusts.

**Corporate Advice.** Our multidisciplinary team regularly advises start-up and existing companies at every stage of their evolution and on a full spectrum of their legal issues. Our team advises clients on the formation of the appropriate structure for their equine operations, as well as issues related to capitalization, contractual agreements, labor and employment, and regulatory issues.

**Immigration.** Attorneys in Hodgson Russ's Immigration Practice are skilled in handling a broad range of immigration issues for businesses and individuals. Our team is available to assist clients with obtaining appropriate work authorization and immigration status for professionals and individuals engaged in a variety of equine-related businesses and professions. Our clients include equestrian athletes, trainers, grooms, veterinarians, equine dentists, farriers, saddle fitters, lecturers in equine health, breeding stables, professional equine associations, and owners and employees of many types of businesses in the equine field. Our attorneys have substantial experience filing a broad range of petitions and applications for non-immigrant and immigrant visas (green cards) with U.S. Citizenship and Immigration Services. Temporary visa classifications for our equine-related business clients include the O-1, O-2, P-1, E-1, E-2, TN, B-1, and H-1B categories. In addition, our immigration services include counseling U.S. employers on all aspects of employment eligibility and verification and related unlawful discrimination practice.

**Zoning and Agricultural Land Use.** Hodgson Russ's Land Use & Economic Development Practice attorneys can help stable owners and veterinarians obtain appropriate land use permits and approvals needed to develop property for their horses or treatment of horses, ensuring compliance with all applicable local, state, and federal laws. We have experience helping owners and those tending horses with securing and maintaining suitable property. Our team handles all aspects of site development, including zoning variances, special and other land-use permits, tax abatements, and economic development initiatives. Our attorneys also provide strategic counsel related to purchase and financing of undeveloped land, transfer of development rights, and planning for future expansion.

## Industry Experience

Melissa Subjeck, the firm's lead equine law partner, is a longtime owner, breeder, and rider of national champion horses. Melissa's horses have garnered championships at the United States and Canadian Arabian and Half Arabian Championship Horse Shows, the prestigious Scottsdale Arabian Horse Show, and many regional and class A horse shows throughout the country. She frequently meets with her clients in our Saratoga Springs and New York City offices.

## Experience

Hodgson Russ represented a client in a matter where multiple parties were all alleged to have made fraudulent misrepresentations that induced the purchase of a horse with a known dangerous predisposition. The firm successfully brokered a settlement that provided compensation to our client and the transfer of title back to one of the involved parties.

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Hodgson Russ represented an equestrian facility and its owner in prosecuting a defamation claim related to false statements made about our clients' treatment of the horses. The defendant ceased and desisted her conduct and issued a public apology to our clients.

Hodgson Russ represented a horse owner in a dispute with his agent arising from the purchase of a horse unfit for the reason purchased. The agent failed to disclose the lameness of the horse that was uncovered during a veterinary pre-purchase exam. The lameness was disclosed by the veterinarian on the pre-purchase examination report, but the agent withheld the report and misrepresented the condition of the horse in order to obtain a finder's fee. We successfully resolved the dispute prior to litigation.

### **In the News**

Coronavirus Resource Center

A Pandemic is the Perfect Time to Make an Estate Plan  
*Chronicle of the Horse*, May 20, 2020

Profile: Melissa Subjeck  
*Arabian Horse Times*, October 2014

### **Publications**

The Consolidated Appropriations Act and its Impact on Horse Racing: Uniform Medication Controls, Tax Benefits, and Another Round of PPP  
*Hodgson Russ Equine Alert*, December 31, 2020

Agricultural Tourism Act Aims to Protect the Agritourism Industry  
*Agriculture Alert*, July 25, 2018

Agricultural Producers to Market Through Cooperatives  
*Agricultural Alert*, February 21, 2018

Equine Leases: Hand-Shake Deal or Written Agreement?  
*Mane Stream*, April 2017

A Natural Fit for Attorneys with Love of Horses  
*Buffalo Law Journal*, May 2, 2016

Protecting Your Equine Business: The Truth About Liability Releases  
*Mane Stream*, November/December 2015

Understanding Equine Activity Statutes: What Can and Can't They Do?  
*Mane Stream*, August 2015

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Equine Insurance - Do I Need It?: Understanding the Benefits of Equine Liability Coverage for Your Equine Business Operation

*Mane Stream*, June 2015

New York Case Highlights Sales Tax Pitfalls for Boarding Operations

*New York State Horse Council Newsletter*, March 6, 2015

Equine Liability: Am I Responsible if my Horse Injures Someone?

*New York Horse Council Newsletter*, March 6, 2015

### **Presentations & Events**

Equine Liability Talk

Cornell Cooperative, April 23, 2024

2nd Annual Saratoga Virtual Horse Symposium

March 23 & 25, 2021

Professional Equine Symposium

Longfellow's Hotel, 500 Union Ave, Saratoga Springs, NY 12866, December 12, 2018

Purina Professional Horseman's Symposium

Clyde's Feed and Animal Center, July 10, 2018

Equifest Western Chapter of NYSHC - Moving Beyond the Handshake Deal: The Increasing Importance of Written Agreements in the Horse Industry

March 18, 2017

Purina Horse Owners' Workshop - Legal Issues for Horse Owners and Professionals

Clyde's Feed and Animal Center, December 1, 2016

Purina Horse Owners' Workshop - Legal Issues for Horse Owners and Professionals

Clyde's Feed and Animal Center, March 25, 2016

Equine Affaire - Nuts & Bolts of Equine Law: Everything an Equine Professional and Horse Enthusiast Should Know

November 14, 2015

Nassau-Suffolk Horsemen's Association - Equine Law: Legal Issues for Horse Owners and Professionals

November 4, 2015

Central New York Horse Club - Equine Law: Legal Issues for Horse Owners and Professionals

September 17, 2015