
Abrams Fensterman Secures Major Victory for Former Boar's Head Distributors

FEATURED ATTORNEYS



Anthony Genovesi

Partner



Rachel Demarest Gold

Partner



Justin T. Kelton

Partner

February 19, 2026 – Brooklyn, NY

Abrams Fensterman, LLP is proud to announce significant litigation victories on behalf of three former Boar's Head distributors, marking an important development for food distributors and other route-based businesses across New York State.

In a trio of decisions issued February 18, 2026, the New York Appellate Division, Second Department reinstated claims brought by *Lercara Provisions*, *Barone Provisions*, and *Sal Savasta, Inc.*, allowing the cases to proceed after key claims had previously been dismissed by the trial courts.

The plaintiffs allege that Boar's Head and its affiliates exercised extensive control over the distributors' day-to-day operations while misclassifying them as independent contractors, depriving them of wage protections owed to employees under New York Labor Law. The appellate court agreed that these allegations were sufficient to support employee-status claims and reinstated the New York Labor Law causes of action in all three cases—including claims seeking overtime compensation.

In two of the cases, the court also revived breach of contract and economic duress claims, holding that the plaintiffs had sufficiently alleged that Boar's Head pressured them into selling or forfeiting valuable distribution routes at below-market prices. The court found that allegations regarding operational control, approval authority over routes, and the circumstances surrounding forced sales were sufficient to warrant discovery.

“These decisions reaffirm that New York courts will look beyond contractual labels and “fine print” to examine the real-world dynamics of control, leverage, and economic dependence. That message resonates far beyond these cases, particularly for any industry that relies on distributors or route-based business models.”

– **Justin T. Kelton, Partner and Co-Chair of Abrams Fensterman's Commercial Litigation Practice**

The rulings significantly expand the scope of the lawsuits and permit the plaintiffs to move forward with claims based on Boar's Head's alleged control over pricing, marketing, route transfers, operational requirements, and day-to-day business activity.

Abrams Fensterman's representation in these cases is being led by Partners [Anthony Genovesi](#), [Rachel Demarest Gold](#), and [Justin Kelton](#).

Broader Impact On Distribution Businesses

These appellate decisions may have significant implications for distribution-driven sectors—including food and beverage, logistics, consumer goods, and other businesses that operate through route-sale or independent distributor models. The Second Department's willingness to scrutinize the practical realities of these relationships, despite contractual “independent contractor” language, underscores the increasing legal focus on allegations of worker misclassification and economic pressure exerted on small distributors.

About Abrams Fensterman's Commercial Litigation Practice

Abrams Fensterman's Commercial Litigation Practice—led in [Brooklyn](#) by Justin T. Kelton—represents businesses and individuals in high-stakes litigation in state and federal courts across New York. The firm is recognized for its deep experience in disputes involving complex contracts, business torts, fraud,

employment disputes, unfair competition, and shareholder/partner disputes.