



# Kevin Kerns

## Member

## Philadelphia

kkerns@cozen.com | (215) 665-6912

Kevin has more than two decades of experience representing clients in a wide range of complex commercial, corporate, and appellate matters. These matters have included representing Fortune 500 companies in nationwide class actions, breach of fiduciary duty claims against officers and directors of public and private companies, claims for breach of contract between businesses and individuals, internal disputes between shareholders and partners in closely held businesses, and disputes arising out of real estate transactions. Kevin has tried numerous cases to verdict in state and federal courts, as well as in arbitrations before the American Arbitration Association, JAMS, and other dispute resolution panels. He has represented clients in mediations involving multimillion dollar claims.

Kevin also serves as a trusted counselor and adviser to his clients outside of litigation and has counseled executives and entrepreneurs with regard to various business and corporate governance matters. He has significant experience in counseling clients on issues relating to electronic discovery and in litigating electronic discovery disputes. He has also coordinated and managed large-scale productions of ESI and briefed and argued ESI matters in court.

Kevin earned his undergraduate degree from the University of Notre Dame and his law degree from the University of Chicago Law School.

## Experience

Led a team which uncovered and litigated a number of electronic evidence preservation and production issues in an antitrust action brought against a large pharmaceutical company by a group of third-party payors.

Led a team of outside counsel from multiple firms, consultants, vendors and in-house IT personnel to complete a massive production of structured and unstructured data from a large pharmaceutical company's existing and legacy systems. He acted as lead attorney responsible for the preparation and defense of company IT personnel at court-ordered meet and confer sessions; negotiating the scope of the production, managing the pace of the production, and representing the client at multiple related mediations. He also was lead attorney for the client in weekly proceedings, conducted by a court ordered special master, which stretched over several months.

Represented gaming company in antitrust action relating to the establishment of off track betting facilities.

Defended mushroom grower in an industry wide civil treble damage antitrust class and direct actions in Eastern District of Pennsylvania.

Defended foam manufacturer in multi-party industry wide civil treble damage antitrust class and actions in the Eastern District of Pennsylvania

Represented higher education institution and achieved a complete victory in 2010 trial on claims for breach of contract brought against the school by a provider of online educational programs.

Represented publicly held real estate lending institution, and achieved a seven figure victory in 2013

### Practice Areas

- Class Actions
- Commercial Litigation

### Education

- University of Chicago Law School, J.D.
- University of Notre Dame, B.A.

### Bar Admissions

- Pennsylvania

### Affiliations

American Bar Association

Saints Peter and Paul CYO, President

Villanova Inn of Court

### Kevin Kerns

kkerns@cozen.com

P: (215) 665-6912 | F: (215) 665-2013

©2020 Cozen O'Connor. All rights reserved.



after a week-long trial in a dispute with real estate developer borrowers over an exit fee in mezzanine lending arrangement.

Represented a publicly held lending institution in 2015 and successfully defeated motion for a preliminary injunction in the Eastern District of Pennsylvania which sought to prevent bank from exercising rights against developer borrowers.

After a seven-day trial in 2016, obtained a \$1.6 million judgement, plus attorneys' fees, in favor of the estate of the former chief financial officer of an acute care nursing provider in breach of contract dispute. In the same matter, obtained a complete victory in defending professional malpractice claims against the CFO.

After a week-long trial in 2017, obtained a \$4.7 million award in favor of a marketing company for claims based on unpaid sales commissions.