



# Kendall Kelly Hayden

Member

Dallas

khayden@cozen.com | (214) 462-3072

## Practice Areas

- Commercial Litigation
- Franchise Disputes
- Transportation & Logistics Litigation
- Product Liability

## Industry Sectors

- Food & Beverage
- Insurance

## Education

- Southern Methodist University, J.D., 2003
- Texas A&M University, B.A., 1999

## Bar Admissions

- Texas

## Court Admissions

- U.S. District Court -- Eastern District of Texas
- U.S. District Court -- Northern District of Texas
- U.S. District Court -- Southern District of Texas
- U.S. District Court -- Western District of Texas
- Texas Supreme Court

## Affiliations

- American Bar Association Tort, Trial and Insurance Practice
- Dallas Association of Young Lawyers
- Defense Research Institute
- Joseph M. Pritchard Inn of Court
- National Retail and Restaurant Defense Association
- Leadership State Bar of Texas
- Texas Bar Foundation
- Texas Courier and Logistics Association
- Texas Young Lawyers Association

## Awards & Honors

- Attorney of the Week by HospitalityLawyer.com - June 17-24, 2014, September 25-October 3, 2016, and July 9-13, 2018
- "Rising Star" in Insurance - 2008
- "Rising Star" in Transportation and Maritime Law - 2012-2016
- Recognized as Dallas Pro Bono Coordinator of the Year by the Dallas Volunteer Attorney Program - 2012

Kendall focuses her practice in commercial litigation, with an emphasis in transportation and hospitality law, as well as retail, environmental and contamination issues, employment matters, medical malpractice defense, professional liability defense, product liability defense, construction defect matters, first-party insurance coverage, and extracontractual disputes, including defending bad faith claims. She handles both individual and class action litigation, and has appeared before much of the federal bench in and around Dallas.

Kendall's experience in the hospitality industry reflects multiple representative clients, including international hotels and restaurants, boutique bed and breakfasts, party suppliers, spas, and country clubs. Kendall has served as a guest lecturer on the topic of Legal Issues in the Hospitality Industry at the University of Houston's Conrad N. Hilton College and regularly speaks at the annual Hospitality Law Conference.

Kendall currently serves as a member of the National Retail and Restaurant Defense Association (NRRDA), whose mission is to advance and protect the interests of the retail and restaurant industry by reducing claims, better managing risk, and mounting effective defense strategies against claims and litigation. To be accepted as a private practice attorney into NRRDA, members must be nominated by three members of the restaurant or retail industries. Kendall also currently serves as a member of the Greater Dallas Restaurant Association and a sustainer of the Junior League of Dallas.

Her transportation work includes large commercially licensed vehicle owners and operators, armored vehicles, and admiralty/maritime industry clients. She has succeeded in setting aside default judgments against her clients, persuaded courts and opposing counsel to dismiss frivolous and unmeritorious lawsuits, counseled clients on developments in evidentiary issues in personal injury and property damage disputes ranging from medical care to immigration matters, and litigated peripheral bankruptcy issues affecting the hospitality and transportation industries. Kendall's employment experience includes discrimination, sexual harassment, and overtime claims.

Kendall began the practice of law handling exclusively insurance coverage matters, which provided her with a unique perspective to understand the nuances of commercial litigation. Although the first part of her career Kendall represented multinational insurers in first- and third-party contexts, her insurance coverage practice focuses today in advising first-party property insurers on how to avoid and address bad faith and extracontractual allegations.

Kendall previously served as the pro bono coordinator for the Dallas office and the Women's Initiative co-chair for the firm. She is a former vice-chair for the ABA TIPS Commercial Transportation Litigation Committee and a former vice-chair for the Dallas Bar Association's LegalLine Committee. Kendall is an alumna of the inaugural classes of the Dallas Mayor's Star Council after being appointed by Mayor Mike Rawlings to serve as one of 25 influential young professionals to advise him on issues affecting the city of Dallas, Leadership University Park, a community-based leadership program to train professionals to serve the city, and Leadership State Bar of Texas, a state-wide group of 20 lawyers selected by the presidents of the State Bar of Texas and the Texas Young Lawyers Association. In 2009, Kendall was elected to serve a two-year term as a Director for the Texas Young Lawyers Association Board of

Kendall Kelly Hayden

khayden@cozen.com

P: (214) 462-3072 | F: (972) 755-1733

©2020 Cozen O'Connor. All rights reserved.



Directors. In 2012, Kendall was recognized as Dallas Pro Bono Coordinator of the Year by the Dallas Volunteer Attorney Program.

In 1999, Kendall received her Bachelor of Arts in Spanish from Texas A&M University. She earned her law degree from Southern Methodist University Dedman School of Law in 2003. At Texas A&M, she served as president of her junior and senior class. During law school, Kendall served as editor-in-chief of the SMU Computer Law Review and Technology Journal. She participated in oral advocacy through both moot court and mock trial, where she finished as National Champion and Second Best Oralist. Kendall was selected by the dean as a barrister, nominated to serve as a member of the Mac Taylor Inn of Court, received the Second Year Excellence in Advocacy Award from the Board of Advocates, and was named to the National Order of the Barristers at graduation.

## Experience

Won a no-evidence motion for summary judgment, and secured a complete dismissal of all claims, in an action in which the plaintiff and co-defendant alleged that our client, the owner and operator of a pub, was liable under the Texas Dram Shop Act for injuries the plaintiff and co-defendant claimed to have sustained during a physical altercation.

Obtained dismissal of a lawsuit on behalf of a hotel franchisor for allegations of negligence stemming from an incident on the premises of a franchisee and allegations of an agency relationship between the franchisor and franchisee.

Successfully resolved a matter brought against a restaurant franchisor arising from a motor vehicle accident alleged to have been caused by the service of alcohol at a franchise location.

Obtained traditional and no-evidence summary judgment on behalf of motorcycle dealer in a personal injury case involving a motorcycle accident.

Obtained dismissal of two cases filed against the same trucking company by the same shipper.

Successfully obtained default judgment on behalf of transportation company and subsequently defeated defendant's motion for new trial.

Obtained final summary judgment and dismissal of case on behalf of transportation company.

Obtained summary judgment against plaintiffs who filed suit against the insurer of insured after default had been rendered against the insured.

Obtained summary judgment in the United States Fifth Circuit Court of Appeals on ERISA claim denial of NFL athlete.

Obtained final judgment on behalf of a manufacturer for breach of contract allegations.

Obtained dismissal of two cases at trial and on appeal against same plaintiff for suits filed against international manufacturer of nutritional supplement for false advertising.

Persuaded a North Texas judge to grant a motion to transfer a venue to South Texas on behalf of a South Texas hotelier due to the hotel owner's extensive business operations in and the management company's frequent travels to South Texas.

Obtained summary judgment and dismissal with prejudice on behalf of international restaurant franchisee for negligence claims.

Obtained summary judgment and dismissal with prejudice on behalf of sub-contractor for negligence and warranty claims.

Obtained final summary judgment on behalf of a hotel franchisor in a breach of privacy case.

Obtained final summary judgment on behalf of a hotel franchisor in a slip and fall case centered on a patron's allegation that he slipped on naturally occurring ice.

Achieved a favorable outcome on behalf of a franchisor's employee in a criminal action.

Obtained verdict at trial on behalf of car dealership.

Set aside default judgment entered against hotel franchisee.

Set aside default judgment entered against transportation company.