



LITIGATION

The Litigation Group at Kaufman & Canoles has earned a reputation as a skilled and highly formidable team. Our trial experience is vast, with an impressive record of success in many trials of extreme complexity before juries and judges, in both federal and state courts. We are also skilled at all forms of alternative dispute resolution, including arbitration and mediation, and frequently counsel clients on how best to avoid litigation. Our Litigation Group attorneys each specialize in a particular area so we are capable of handling any dispute.

areas of concentration

- Complex business matters
- Intellectual property law (patents, trademarks, copyrights)
- Securities matters
- Antitrust law suits
- Insurance coverage disputes
- White collar criminal matters
- Government contract disputes
- Construction disputes
- First Amendment/Defamation
- Franchising law
- Employment/Labor disputes
- Creditors' Rights/Bankruptcy matters
- Environmental law matters
- Products liability
- Professional liability defense
- Municipality law
- Tort defense

who we are

Built around a core of experienced trial lawyers who have tried many complex jury and non-jury cases in both federal and state courts locally and around the country, Kaufman & Canoles' Litigation practice is one of the region's most successful and well-regarded trial sections. Members of the Litigation practice each specialize in particular areas of complex trial work in both federal and state courts and in both civil and criminal arenas. In addition to seasoned trial lawyers who handle a broad spectrum of commercial and contractual disputes, the section boasts a deep selection of bar leaders in a large number of more complex litigation areas including: complex commercial disputes, intellectual property law, antitrust law, securities law, policyholder coverage matters, business torts, products liability, white collar criminal defense, labor and employment, bankruptcy, environmental law, government contracting and construction law and others.

The section is particularly well-regarded for its expertise and adeptness in navigating the complexities of the "rocket docket" in the United States District Court for the Eastern District of Virginia. Members of the section have been

who we are (cont.)

recognized by their peers for excellence and have been awarded recognition by all the major rating services, including, among others, *Best Lawyers in America*, *Chambers USA's America's Leading Lawyers for Business*, Virginia Business' Legal Elite, *Law & Politics' Virginia's Super Lawyers*, Martindale-Hubbell and many others. In addition, members of the section currently hold and have held positions of prominence within state and local bar organizations associated with trial practice in Virginia and lecture regularly on trial practice topics.

Known for its lean but effective staffing of trial matters, the firm places a strong emphasis on actual experience in court. The section strives to be both dynamic and effective at rates that are far below those associated with national firms. Backed by efficiencies of enhanced technology and the effective use of paralegals and support personnel, the section successfully manages all phases of the most complex litigation matters. The Trial Section is recognized by state and national organizations for their excellence and accomplishments in complex and sophisticated litigation. In addition, the attorneys in our trial section are experienced counselors, helping businesses develop policies to avoid litigation.

what we do

Experience and specialization are a powerful and effective combination. We offer experience at every level of state and federal court, including cases successfully argued before the United States Supreme Court, and before most administrative bodies. Every issue brought to Kaufman & Canoles is carefully analyzed to determine the very best legal approach and the most effective business solution. Although the trial section is known for its willingness to take matters to trial, it is also recognized for its experience in alternative dispute resolution and, if it is in the best interest of the client to pursue this avenue, will effectively negotiate, mediate, or arbitrate to obtain the best possible result.

Clients of Kaufman & Canoles' litigation team can be confident that their matters will always be handled professionally, confidentially and efficiently. We will develop a customized strategy for budgeting time and resources for your case. We carefully establish controls on discovery, prepare legal briefs, coordinate with corporate in-house counsel, and select experts and juries, all in an effort to make your involvement as efficient as possible.

our track record

Attorneys in our Litigation practice have successfully represented businesses of all sizes in a full range of complex litigation and have earned the reputation of being the trial team to call for significant cases. We have found that most businesses need legal assistance in critical areas requiring specialized attention.

representative matters

The Litigation team has experience in the following areas of concentration:

- Known as the most experienced and competent trial team for complex matters, we represent local, national and international businesses in all types of complex commercial litigation, arbitration and mediation proceedings
- K&C's Intellectual Property group litigates disputes involving patents, trademarks, copyrights, and trade secrets. Recognized by their peers as among the top intellectual property attorneys in Virginia, the trial lawyers in the Intellectual Property group have established a successful and acclaimed trial practice and have appeared in literally hundreds of such cases, trying many to verdict
- Representation of policyholder insureds in insurance coverage disputes with insurance carriers arising out of all forms of commercial insurance products including Comprehensive General Liability insurance, Directors and Officers Liability Insurance, Fidelity Bonds, Errors and Omissions Insurance and advertising injury coverage
- In the area of complex securities matters, the section has effectively and successfully handled both the defense and prosecution of such claims in both federal and state court and in arbitration
- Extensive experience representing shareholders in corporate disputes, from derivative actions, to proxy battles, to claims of corporate waste and mismanagement
- Our focus in the technical area of antitrust law has allowed our trial team to successfully try cases for many different industry segments in both the civil and criminal arenas
- We represent business clients in environmental law litigation such as the resolution of enforcement actions brought by government agencies. We defend against claims for recovery of clean-up discharges of hazardous materials
- In the area of condemnation and eminent domain, Kaufman & Canoles litigators have achieved highly successful results for their clients regarding the condemnation of their land, zoning disputes and land use litigation

representative matters (cont.)

- As real property litigators, we have tried cases involving easements, boundary line disputes, title matters and other matters relating to property ownership and use
- Our experience in the areas of tax, bankruptcy and creditors' rights includes all matters in corporate restructuring, reorganization and liquidation proceedings involving secured and unsecured credit facilities. We have experience litigating tax disputes in federal and state courts, as well as handling the settlement of a variety of tax controversies
- We have extensive experience in all phases of government contract disputes, including bid protests and injunctions, claims analysis, preparation and litigation in federal and state courts and before the Boards of Contract Appeals, defense of procurement fraud investigations, and suspension and debarment proceedings
- We have extensive construction experience on public and private projects, from claim management to litigation, arbitration and mediation, representing owners, contractors and subcontractors
- In cases of alleged professional negligence, we have represented and defended general contractors, subcontractors, design professionals, engineers, accountants, attorneys, physicians and other professionals
- Our medical malpractice team adeptly handles litigation and counsels hospitals, physicians and allied health care entities in establishing and maintaining risk management programs
- In the area of First Amendment law, our attorneys handle cases regarding defamation, civil rights and defense of libel and slander
- Products liability, another area of special focus, includes the representation of manufacturers, distributors and retailers in the defense of personal injury, property damage, and industrial accident cases involving a broad scope of products ranging from consumer goods, chemicals, and power tools to heavy-duty farm, industrial, and military equipment
- The representation of state and local governments offers its own set of unique statutes and regulations, and our trial lawyers have been defending cities, counties and state agencies for many years in matters ranging from civil rights, employment and wage-hour disputes to construction, law enforcement and zoning
- In the Franchising and Distribution law area, Kaufman & Canoles attorneys have experience in the creation and dissolution of all types of such businesses and the termination of unsatisfactory distribution, dealer and franchise arrangements and general business disputes relating to these arrangements
- Extensive experience representing companies in business tort actions, including cases involving allegations of fraud, business conspiracy and tortious interference with contract or business expectancies. Having represented both plaintiffs and defendants in such matters, our litigators are uniquely positioned to cover your case from all angles
- Comprehensive representation for corporations and individuals who have been charged with white collar crimes, including violations of antitrust and trade regulations, bribery, fraud, tax evasion, conspiracy and numerous related prosecutions, principally in federal courts. The firm has represented national, regional and local businesses, as well as officers, executives and other employees in matters of fiduciary violations, public corruption, and government fraud