

Kevin P. Kennedy

Shareholder

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Kevin Kennedy chairs the firm's Builder and Developer practice group, a full team of attorneys who have represented national and regional homebuilders and land developers across Maryland and Virginia for more than 20 years. Clients come to the team for both litigation and dispute avoidance, and they handle both with the same depth of focus.

The group has been one of the firm's mainstay practices since Kevin joined in 1992, and it shows in how the team works. They know the homebuilder business as well as they know the law, and they build solutions around what clients actually need to keep moving.

Kevin's practice covers real estate contract disputes, land use and entitlement challenges, construction litigation, and administrative proceedings. He and his team have guided clients through hundreds of large and complex cases, with consistent success at trial, on appeal, and through negotiated resolution. Jurisdictions where Kevin and his team have delivered results for clients include Montgomery, Charles, Anne Arundel, Carroll, Howard, and Prince George's Counties in Maryland, and Arlington, Alexandria, Fairfax, Loudoun, and Prince William in Virginia.



BAR & COURT ADMISSIONS

District of Columbia
Maryland

EDUCATION

University of Maryland School
of Law, J.D., 1983
University of Maryland, B.A.,
1980, *cum laude*

Kevin and his partners run a dedicated land transaction team that handles the group's homebuilder land and lot deals throughout the region. They're also the group builders and developers call on for land deal enforcement, whether that means preserving a land position, negotiating a restructure, or securing a clean release. The team has developed outsale documents and forms built specifically for DMV homebuilders, along with a condo and HOA CC&Rs playbook that has helped clients avoid claims altogether or resolve them faster when they do come up.

Kevin's approach is proactive. He updates client contract documents to build in effective defenses to foreseeable claims, develops in-kind remediation agreements that resolve construction disputes without cutting a check, and has helped clients secure or restore government approvals for hundreds of building sites worth millions of dollars. His goal is always to shrink disputes before they grow.

Across the group's history, Kevin and his team have handled matters and controversies involving billions of dollars in client assets, with the litigation, appellate, and negotiated results to back it up.

Kevin also has a strong track record helping clients obtain effective representation from their insurance carriers, even when carriers initially push back on coverage obligations.

Because he invests in understanding his clients' businesses and building long-term relationships, Kevin is open to alternative fee arrangements tailored to the size and nature of each matter.

Results

- Won a four day bench trial on behalf of a national real estate developer in Arlington, VA who was sued for Slander of Title. Secured a directed verdict at close of plaintiff's case. Won our client's

counterclaim and secured a high six figure judgment for damages and attorneys' fees.

- Persuaded a Fairfax, VA Court to adopt Maryland "Vendee Lien" law to recover millions in developer bonds posted as a contract deposit.
- Won summary judgment for our developer client in a \$37mil case alleging collusion to circumvent an owner's subordinate mortgage note. Defeated foreclosure exceptions at trial in Frederick County Circuit Court, allowing our client to acquire and develop the land free and clear of subordinate liens held by former owner.
- Won a favorable trial ruling in Montgomery County Circuit Court for our commercial real estate developer client rejecting plaintiff's \$20 million claim to valuable FAR in the central business district of Bethesda. The Court granted our dispositive defense motion at the close of the adverse plaintiff's case – as a matter of fact and law – defeating the claim in its entirety and allowing our project to proceed using the disputed FAR.
- Used the prospect of a legal claim in Loudoun County, Virginia to favorably resolve a post closing non-compete and non-solicitation claim against an M&A seller/principal and others following a large stock purchase transaction. After a one day of mediation, we were able to hammer out extremely favorable terms in the multimillion dollar acquisition for our ecstatic client.
- Defeated a multi-count, multi-million dollar "bet the company" claim in Montgomery County Circuit Court against a start-up client defending an alleged pirating of a key employee and misappropriation of trade secrets claim. The Court granted summary judgment in our client's favor and we were able to get Erie Insurance to reverse its denial of coverage and defense under the client's CGL policy as well.

- Over the last 20+ years Kevin and his team have also successfully resolved/settled – using merits-based negotiations, mediation and either subcontractor and insurance carrier funding and/or in-kind remediation of a compromise scope of work – literally dozens of large, complex class-type litigation claims against his practice group's many condominium developer clients, involving alleged condominium construction defects and related consumer protection claims in Maryland, D.C. and Virginia, wherein the well-funded condominium association and their contingency fee plaintiff's lawyers aggregate and bring claims belonging largely to the unit owners.

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