Jennifer A. Kenedy

Partner and Chief Risk Officer

Chicago

jennifer.kenedy@troutman.com

D 312.443.0377



Jennifer is a first-chair trial attorney who handles bet-the-company cases for clients in a variety of industries. Her approach combines meticulous preparation, strategic thinking, and a deep understanding of each client's business.

OVERVIEW

Jennifer has more than 30 years of trial experience. She focuses on high-stakes commercial litigation, including AI-enabled health care disputes, trade secret misappropriation, intellectual property disputes, contractual issues, employer restrictive covenants, catastrophic product liability, labor and employment, and real estate litigation. Clients seek Jennifer's strategies to help them avoid the courtroom, and leverage her substantial trial experience when litigation is unavoidable.

Recognized for her efficient approach and major defense verdicts, Jennifer is experienced across a diverse range of sectors, such as financial services, insurance, consumer products, retail, manufacturing, transportation, government, health care, AI-enabled technology, and food and beverage.

Jennifer serves as the chief risk officer for the firm. Before taking on that role, Jennifer was a vice chair and member of Locke Lord's Executive Committee (2018-2024) and before that, was managing partner of the Chicago office (2010-2018).

REPRESENTATIVE MATTERS

Financial Services, Insurance, and Health Care Litigation

- In 2022, Jennifer led a 12-person trial team in a federal case in the District of Delaware involving Andor Health, a health care technology startup, in a complex, bet-the-company dispute over AI-based virtual health care technology. After concluding discovery on Andor's counterclaims and several rulings in favor of Andor on pre-trial expert motions, the case resolved on behalf of the company just before trial.

National Counsel – Financial Services Litigation

- Jennifer served as lead trial counsel for an internationally known financial services and mutual fund company in a matter in which a plaintiff publishing company asserted claims of breach of contract, tortious interference with

©2026 Troutman Pepper Locke

contract/prospective relations, intentional misrepresentation, strict responsibility, and copyright infringement arising from the alleged unauthorized use of the company's bank ratings. The plaintiff sought more than $80 million in compensatory damages, as well as punitive damages and attorney's fees. After barring the plaintiff's expert's damages theory on the contract claims, the parties settled the case on terms in favor of the firm's clients.

- Jennifer has served as national counsel on trade secret and noncompete issues for an internationally known financial services and mutual fund company client for more than 15 years. She leads a team that obtains injunctions in federal and state courts nationwide against former brokers who leave, join competitors, and misappropriate the company's proprietary trade secret customer data. Jennifer also handles arbitrations before the Financial Industry Regulatory Authority (FINRA), seeking damages caused by the former employee and new employer's misappropriation of trade secret client data. In this role, she has litigated and/or arbitrated cases in more than 30 states.

Trade Secret Case

- In 2018, Jennifer acted as lead trial counsel for a tax consulting company that brought suit in federal court in Jackson, Mississippi, for breach of contract, tortious interference, Lanham Act violations, and misappropriation of trade secrets against a former independent contractor and his company who misappropriated the company's proprietary tax methods and customers to start a competing company. Three years into the case, after a forensic expert discovered the defendants had engaged in widespread intentional destruction of electronic files during the litigation, Jennifer obtained a default judgment as a sanction for the conduct by Judge Carlton Reeves in the U.S. District Court for the Southern District of Mississippi. After an unsuccessful mandamus petition by the defendants, Jennifer and her team tried the case on damages, leading to a multimillion-dollar judgment representing 100 percent of the compensatory damages sought in the case. The client settled the matter pending appeal on their terms.

Preferred Outside Counsel, Procter & Gamble

- Since 2005, Jennifer has led a team of attorneys as P&G's preferred outside counsel in Illinois, handling product liability, class action (both product liability and FCRA), as well as other commercial litigation for P&G companies.

Federal Employment and Noncompete Litigation

- As a member of the Trial Bar of the Northern District of Illinois, Jennifer was appointed to act pro bono as lead counsel in an employment discrimination case against a large Chicago-based company. After litigating the case for two years and obtaining a ruling barring the defendant's company witnesses a few days before trial, Jennifer and her team secured a settlement in favor of the plaintiff employee.
- When 100 brokers left Aon for competitor RT Specialty on the same day and filed 100 simultaneous declaratory judgment actions in multiple states seeking to void their noncompetition agreements, Jennifer was lead counsel for an insurance wholesale brokerage company that sued one of those departed brokers in federal court in Connecticut. The case was "first in time" and therefore the bellwether case for the other 100 cases. After contentious discovery with the other side, Jennifer and her team tried the case in the U.S. District Court for the District of Connecticut on the request for permanent injunctive relief. The client settled the matter for a damages award and an agreed permanent injunction during Jennifer's cross-examination of the defendant.

Catastrophic Product Liability Litigation

- Jennifer was lead trial counsel for the largest tank car manufacturer in the U.S. litigation arising from the July 6, 2013, train derailment in Lac Mégantic, Quebec, in which a 72-car Montreal, Maine & Atlantic Railway (MM&A) freight train carrying crude oil from the Bakken shale formation derailed at a high rate of speed and exploded, allegedly killing 47 people, destroying approximately 40 buildings, 53 vehicles, and environmentally

contaminating the downtown area, adjacent river, and lake. She was lead counsel for Trinity Industries and Trinity Tank Car Inc. (Trinity) in the wrongful death lawsuits arising from this derailment, the MM&A bankruptcy in the U.S. Bankruptcy Court for the District of Maine, and supervised Canadian counsel in the Canadian class action filed as a result of the derailment. The wrongful death litigation (which also included claims against the railway, oil companies, shippers, and other manufacturers and lessors) was originally filed in Cook County, Illinois, and subsequently transferred to the U.S. District Court for the District of Maine and stayed, or constructively stayed as to Trinity concurrent with which a settlement was reached in the context of the railroad's bankruptcy proceedings in both the United States and Canada.

National Product Liability Counsel for TRW, General Motors

- Jennifer, with three other firm attorneys, developed her trial skills while acting as national counsel for TRW and GM, acting as lead defense counsel for each in catastrophic injury product liability cases in more than 30 states. Some notable cases include:
  - *Conkling v. Standard Steel* (1995, Texas) (death; circus train derailment; metallurgical defect in train wheel).
  - *Endicott v. Fruehauf* (2002, Illinois) (double leg amputee; trailer conspicuity claim; summary judgment after court concluded that was more than 50 percent at fault as a matter of law).
  - *Ford v. TRW* (2001, Massachusetts) (death of fetus, mother broke neck) (seat belt); *Hoffman v. TRW* (New York) (2001, air bag; blindness; verdict against codefendant for $7 million; settled pre-trial for nuisance value).
  - *Hylsky v. Fruehauf* (2000, brain injury) (trailer).
  - *Price v. Kelsey-Hayes* (2001, South Carolina) (death; rear trailer underride).
  - *Hasty v. GM* (1999, death).
  - *Freeburg v. GM* (2001, death; fuel gauge).
  - *Saunders v. TRW* (2000, Arkansas) (beheading of physician) (seat belt).
  - *Shannon v. TRW* (Pennsylvania) (death) (seat belt).
  - *Longo v. GM* (burns); *Maraviglia v. Polaris* (brain injury).
  - *Walker v. TRW* (Tennessee; lead trial counsel; tried to defense judgment) (truck steering gear assembly).
  - *Alston v. National Car Rental* (catastrophic leg/hip injuries; lead counsel at two-week jury trial resulting in verdict for defense).

Seventh Circuit Set New Bar for Compliance With Rule 26 After Affirming Summary Judgment for Inadequate Expert Reports in Brain-Injured Toddler Case

- Following the securing of summary judgment in a brain-injured minor case in federal court on behalf of General Motors, after the plaintiff's experts were barred when they submitted untimely expert reports, Jennifer briefed and argued the appeal before the Seventh Circuit, which affirmed the trial court's strict adherence to Rule 26, its own scheduling orders, and Rule 37. The oft-cited opinion, *Salgado v. General Motors*, 150 F. 3d 735, set a new bar for compliance with the requirements of Rule 26 and its strict interpretation of the obligation to sanction under F.R.C.P. 37.

Real Estate Litigation

- Jennifer is lead counsel in cases for the City of Chicago, IHDA, banks, an energy ventures company, large development companies, and others in high-profile litigation over large real estate deals that have gone sour. She is lead counsel in several complex real estate cases, including disputes over a $100 million energy plant development, a $17 million senior citizen condominium development, and other large deals in dispute. These cases cover the range of commercial causes of action and equitable relief, from estoppel to breach of contract, specific performance, tortious interference, consumer fraud, quiet title, slander of title, and apparent agency to pursuing and defending against requests for injunctive relief.

Maxwell Street Redevelopment by The University of Illinois

- Jennifer served as lead trial counsel for the University of Illinois, filing eminent domain actions to obtain property needed to complete the University of Illinois at Chicago's successful and well-publicized South Campus Development Project. In the only trial resulting from this politically charged development, Jennifer obtained a directed verdict for the University after striking the testimony of the opposing expert after her cross-examination. The directed verdict was upheld on appeal.

Montana Easement Case Dismissed on Second Day of Trial

- In 2012, Jennifer tried a contentious easement case involving a dispute between a radio station conglomerate and owners of a residential subdivision development in Great Falls, MT. The owners sued the firm's client to amend an existing easement to force them to move underground AM radio wires to accommodate the plaintiff's subdivision. On the second day of the jury trial, the opposing side's expert was exposed as having likely misled the commission that approved the residential subdivision development, giving rise to the easement dispute. The judge immediately ordered the plaintiff's expert to testify as to the legitimacy of the approval of the development (and to bring separate counsel) and, as a result, the plaintiff voluntarily dismissed all claims against the client who renegotiated the easement on their terms.

AWARDS

- *Crain's Chicago Business*, Notable Leader, Employment and Labor Law (2023)
- *Crain's Chicago Business*, Notable Gen X Leader in Law (2021)
- *Crain's Chicago Business*, Notable Women in Law (2018, 2020, 2022, 2024)
- *Best Lawyers in America*®: Commercial Litigation (2011-2027), Litigation – Labor and Employment (2027), Product Liability Litigation – Defendants (2013-2027)
- *Super Lawyers*® *Illinois*, Business Litigation (2012-2025)
- *Crain's Chicago Business*, One of Chicago's Most Influential Women Lawyers (2017)
- *Best Lawyers in America*®, Woman of Influence Award (2017)
- National Diversity Council, Leadership Excellence in the Law Award (2014)
- Women's Bar Association of Illinois, Esther Rothstein Award (2012)
- National Diversity Council, Most Powerful and Influential Women in Illinois (2011)

TOP AREAS OF FOCUS

- Business Litigation
- Financial Services Litigation
- Insurance + Reinsurance
- Litigation + Trial
- Noncompete + Trade Secrets
- Product Liability

ALL AREAS OF FOCUS

- Artificial Intelligence
- Business Litigation
- Financial Services Litigation
- Insurance + Reinsurance
- Litigation + Trial

- Noncompete + Trade Secrets
- Product Liability
- Real Estate Litigation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Fellow, Litigation Counsel of America
- Member, The Chicago Network
- Board member, Business Counsel, Inc. (2023-present)
- Board member, Girls, Inc. of Chicago
- Board member, Chicago Bulls Patrick Williams' The Patrick Williams Foundation
- Co-chair, Legal Committee, Executives' Club of Chicago (2014-2018)
- Founding board member, Coalition of Women's Initiatives in Law
- Former executive committee member
- Former co-chair, Women in Transition Committee, Women's Bar Association of Illinois
- Former board member, Chicago Bears Allen Robinson's Within Reach Foundation
- Member, American Bar Association, Litigation Section

EDUCATION AND CERTIFICATIONS

EDUCATION

- Northwestern University Pritzker School of Law, J.D., *cum laude*, 1993
- University of Illinois, B.A., *summa cum laude*, 1990, Phi Beta Kappa

BAR ADMISSIONS

- Illinois

COURT ADMISSIONS

- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Northern District of Illinois, Trial Bar
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, Seventh Circuit

SPEAKING ENGAGEMENTS

- Speaker, "Advanced Trade Secrets 2026: New Challenges, Solutions, Technologies, and Imperatives," Practising Law Institute, San Francisco, CA, October 13, 2026.
- Speaker, "Noncompetes and Restrictive Covenants 2026: An In-Depth Look Into What Every Lawyer, Human Resources Professional, and Key Strategic Decisionmaker Needs to Know," Practising Law Institute, New York, NY, October 1, 2026.
- Co-presenter, "Professional Ethical and Risk Considerations in Legal Opinion Practice," ABA Business Law Fall Meeting, Chicago, IL, September 3, 2026.

- Speaker, “Advanced Trade Secrets 2025: New Challenges, Solutions, Technologies, and Imperatives,” Practising Law Institute, December 11 , 2025.
- Speaker, “Ethical Practice: Creating and Sustaining a Culture of Ethics,” ARIAS US 2025 Fall Conference, November 13-14, 2025.
- Speaker, “Noncompetes and Restrictive Covenants 2025: What Every Lawyer, Human Resources Professional, and Key Strategic Decisionmaker Needs to Know,” Practising Law Institute, September 18, 2025.
- Speaker, “Regulation of AI,” Dallas Regional Chamber: Convergence AI Dallas, May 2, 2024.
- Speaker, “Legal Issues in Artificial Intelligence: Ethical Issues & Generative AI,” Locke Lord, January 24, 2024.
- Speaker, “Hot Topics in Trade Secrets Protection, Enforcement, and Litigation,” Sandpiper Partners LLC, December 14, 2023.
- Speaker, “Advanced Trade Secrets 2023: New Challenges, New Solutions, and New Opportunities,” Practising Law Institute, October 17, 2023.
- Speaker, “Practical Uses of Generative AI for In-House Counsel,” Coalition of Women’s Initiatives in Law, September 7, 2023.
- Speaker, “How Generative AI Implicates Traditional Intellectual Property Categories, Such as Trademark, Copyright, and Trade Secrets,” myLawCLE, August 29, 2023.
- Speaker, “Working with Experts and Recent Developments In Trade Secrets Damages,” American Intellectual Property Law Association, May 17, 2023.
- Speaker, “Ethical Issues in Trade Secrets Disputes,” PLI Advanced Trade Secrets: New Risks, New Challenges, New Ideas, October 12, 2022.
- Speaker, “Ethical Issues in Noncompete Matters: Fulfilling Obligations to Clients and the Court While Avoiding Traps for the Unwary,” PLI: Noncompetes and Restrictive Covenants: What Every Lawyer, Human Resources Professional, and Key Strategic Decisionmaker Should Know, September 29, 2022.
- Speaker, “Ethical Issues in Trade Secrets Disputes,” PLI Advanced Trade Secrets: New Risks, New Challenges, New Ideas, October 13, 2021.
- Speaker, “Ethical Issues in Noncompete Matters: Fulfilling Obligations to Clients and the Court While Avoiding Traps for the Unwary,” PLI’s Noncompetes and Restrictive Covenants What Every Lawyer, Human Resources Professional, and Key Strategic Decisionmaker Should Know, September 20, 2021.
- Speaker, “Keeping That Genie In The Bottle: Using Trade Secrets to Protect the Improper Use of Your Competitive Information During Unprecedented Times,” Locke Lord, September 9, 2020.

PUBLICATIONS

- Co-author, “Disrupting the Landscape,” *Chicago Lawyer*, June 9, 2026.
- Co-author, “A Crack in the Shield,” *Chicago Lawyer*, February 12, 2026.
- Co-author, “AI Spills Secrets,” *Chicago Lawyer Magazine*, October/November 2025.
- Co-author, “Judges Take Divergent Paths to Find AI Training ‘Fair Use,’” *Troutman Pepper Locke*, July 29, 2025. Republished in *IP Litigator*, September 1, 2025.
- Co-author, “New Rule to Follow: FTC Bans Noncompete Agreements,” *Chicago Lawyer Magazine*, June/July 2024.
- Author, “Generative AI and Copyright Infringement: Federal Judge Distinguishes Between AI Model Creators and Users, for Now,” *Intellectual Property & Technology Law Journal*, April 2024.
- Author, “Proactive Prevention: Why a Robust Trade Secret Program is Critical,” *Chicago Lawyer Magazine*, February/March 2024.
- Author, “Guarding the Digital Fortress: How to Protect Your Data from Generative AI ‘Scrapers‘,” *The Computer & Internet Lawyer,* January 2024.
- Co-author, “Generative AI and Copyright Infringement: Federal Judge in Stability AI Distinguishes Between AI

Model Creators and Users – For Now," *Locke Lord QuickStudy*, November 28, 2023.

- Co-author, "The Race to Regulate AI: Biden Signs Broad Executive Order on Artificial Intelligence," *Locke Lord QuickStudy*, November 2, 2023.
- Author, "Death By a Thousand Cuts: Right of Publicity in the Age of Artificial Intelligence," *The Computer & Internet Lawyer,* October 2023.
- Co-author, "The NO FAKES Act: With Proposed Bill, Congress Set to Protect Against Unauthorized Digital Replicas of Faces, Names and Voices," *Locke Lord QuickStudy*, October 16, 2023.
- Co-author, "Warhol's Brush With AI: Redefining Fair Use for Generative AI and Large Language Models," *Locke Lord QuickStudy*, June 27, 2023.
- Co-author, "Death By A Thousand Cuts: Right of Publicity in the Age of AI," *Locke Lord QuickStudy*, May 30, 2023.
- Co-author, "Guarding the Digital Fortress: How to Protect Your Data from Generative AI 'Scrapers'," *Locke Lord QuickStudy*, May 16, 2023.
- Co-author, "Generative AI and Intellectual Property: Whether the Wild West or the Matrix, It is the (Latest) New Frontier," *Locke Lord QuickStudy*, April 12, 2023.