Kent Hofmann

Counsel

Austin

kent.hofmann@troutman.com

D 512.305.4854

Kent is a trusted advocate in high-stakes litigation, stemming from his experience in jury and ?bench trials, as well as his track record of obtaining numerous ?summary judgments on behalf of clients in complex contract and insurance disputes.

OVERVIEW

Kent represents clients in a wide array of litigation matters, including commercial lending disputes, contract cases, insurance coverage issues, mechanic's liens, real estate matters and loan workouts, and receiverships. He has significant experience in regulatory and administrative litigation for health care clients. Kent's clients range from banks and insurers to health care providers, commercial landlords, and developers.

Kent's approach to litigation is to begin with a thorough understanding of the client's goals and concerns, and then to develop and execute a plan to achieve those goals strategically and efficiently. Under that approach, he has represented clients in high-stakes cases, such as a multibillion-dollar case against a bank arising from a Ponzi scheme.

Kent has secured summary judgments for clients in complex contract disputes for bank, insurer, and other clients. His work in administrative and regulatory litigation includes leading teams in appeals of Medicaid audits and defending health care providers against state actions seeking license revocation and administrative penalties.

REPRESENTATIVE MATTERS

Business Litigation

- Tried insurance coverage dispute regarding damages due under a policy.
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- Represented a bank in a high-profile litigation defending against allegations involving a Ponzi scheme and alleged damages in the billions.
- Represented a client in litigation concerning contract and other claims over a clinical trial of a developmental therapy in which the plaintiff alleged damages of $50 million.
- Part of a trial team that obtained a take-nothing jury verdict for an insurer sued by a former agent alleging claims for $70 million.

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- Obtained summary judgment for the plaintiff in a breach of contract lawsuit concerning failure to repurchase mortgage loans and defended judgment on appeal.
- Repeated representations of banks in disputes and lawsuits involving lender liability, deficiency claims, executions and collections, property tax lending and related issues, subpoenas, workouts, and other matters.
- Obtained injunctive relief against mechanics lien claim at evidentiary hearing.
- Repeated representations of court-appointed receivers in matters involving commercial properties.

Administrative Litigation

- Led litigation teams that represented health care providers in administrative appeals of Medicaid Integrity Contractor (MIC) and ZPIC audit findings, and extrapolations of alleged overpayments.
- Represented health care providers in administrative proceedings against actions for license revocation and administrative penalties.

Pro Bono

- Served on a team that worked with Texas Appleseed on projects that supported the passage of the Michael Morton Act reforming discovery procedures in criminal matters.

Reported Decisions

- *Lionhead Property v. AmGUARD Insurance Co.*, 2023 WL 4279321 (W.D. Tex. 2023).
- *Alyna East Hotel Management, LLC d/b/a Super 8 Motel v. AmGUARD Insurance Company*, 2022 WL 1797035 (W.D. Tex. 2022).
- *Mazhar Footsteps, LLC v. AmGUARD Insurance Co.*, 2020 WL 7670245 (W.D. Tex. 2020).
- *Texas Disposal Systems, Inc. v. Arch Specialty Insurance Company*, 854 Fex. Appx. 576, 2021 WL 1805865 (5th Cir. 2021).
- *Khatib v. Cathay Bank*, 2012 WL 3072326 (N.D. Tex. July 26, 2012).
- *Zurich American Insurance Co. v. Arch Insurance Co.*, 2021 U.S. App. LEXIS 36916 (5th Cir. 2021).
- *Trian LLC v. NovaStar Mortgage, Inc.*, 2009 WL 2837667 (Tex. App. – Austin 2009).

TOP AREAS OF FOCUS

- Banking Litigation
- Business Litigation
- Insurance Commercial Litigation

ALL AREAS OF FOCUS

- Banking Litigation
- Business Litigation
- Construction Litigation
- Government + Regulatory Litigation
- Insurance Commercial Litigation
- Real Estate Litigation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, State Bar of Texas
- Fellow, Texas Bar Foundation
- Firm lead, Voting Rights Project, Law Firm Anti-Racism Alliance
- Volunteer Legal Services
- Participant, Mentorship Program, University of Texas School of Law
- Former member, Communications Committee, Austin Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- The University of Texas School of Law, J.D., *with high honors*, 2001, *Texas Law Review*; Chancellors
- University of Nebraska, M.A., 1994, history
- University of Nebraska, B.A., 1991, Phi Beta Kappa

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. District Court, Southern District of Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Northern District of Texas

PUBLICATIONS

- Author, “H.B. No. 2237 Changes the Texas Statute Governing Mechanic’s Liens,” *Texas Lawyer,* August 2021.
- Co-author, “5 Circ. Medicare Ruling Could Halt Pro-Provider Trend,” *Law360*, October 15, 2020.

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