Kevin F. Kieffer

Partner

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OVERVIEW

Kevin has represented insurance companies throughout the U.S. as lead counsel, in complex insurance litigation involving coverage and reinsurance issues arising under a variety of third and first party policy policies, including professional liability, media tech, cyber liability, business interruption, event cancellation, employment practices liability, architects and engineers (A&E), directors' and officers' (D&O) liability, and commercial general liability. Kevin leads a team of over 20 attorneys strategically located in our firm's offices to handle, and if necessary, litigate cases across the U.S. He has litigated coverage matters in more than 40 states in the U.S.

Kevin also has significant experience defending insurance companies against bad faith and other extra-contractual claims not only in California but also jurisdictions nationwide. With the increase in jury inflation, many of these cases involve excess verdicts, multiples of policies limits and sometimes in the hundreds of millions of dollars. Kevin regularly provides advice and counseling to insurers on a wide variety of matters, including claims handling, policy drafting, and regulatory compliance.

Kevin also represents national, regional, and local clients in a variety of complex civil litigation matters in federal and state courts at both the trial and appellate level. As first or second chair, Kevin has tried several cases and has successfully handled breach of contract, securities, valuation, construction, antitrust, fraud, professional liability, malicious prosecution, and environmental matters in federal and state courts throughout the western U.S.

REPRESENTATIVE MATTERS

- Defeated $49 million insurance bad faith lawsuit in Los Angeles Superior Court before trial via dispositive motion, with court determining that as a matter of law the policy provides a maximum of $1 million in Pandemic Events coverage across all locations (not, as claimed, $1 million per location up to a $50 million policy aggregate) for national restaurant chain's COVID-19 losses. Then obtained full affirmance on appeal. *See P.F. Chang's China Bistro, Inc. et al. v. Certain Underwriters*, 2024 WL 33415, 2024 Cal.App.Unpub.LEXIS 37 (Cal. Court of Appeal, 2nd Appellate Dist., Div. 8, Jan. 3, 2024).
- Obtained dismissal, without leave to amend, in Los Angeles Superior Court of a declaratory judgment and bad faith action seeking more than $100 million in damages, arising from a dispute over insurance coverage for the production company of the Netflix drama *House of Cards*, which had its origins in an alleged theory that the production company sustained financial losses as a result of Kevin Spacey allegedly becoming totally disabled due to a sickness. *See Media Rights Capital II, LLC, et al v. Certain Underwriters at Lloyd's, London, et al.*, No.22SMCV00598 (Los Angeles Cty. Superior Ct., Nov. 30, 2023).

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- Represents clients in numerous COVID-19 related coverage claims and lawsuits involving alleged losses ranging from seven to nine figures, including in the food and beverage, entertainment, and event sectors.
- Obtained summary judgment on behalf of insurer on an issue of first impression (applicability and constitutionality of California Insurance Code Section 533.5), resulting in reimbursement to the insurer of more than $2 million. Briefed and argued appeal in the Ninth Circuit, where summary judgment was affirmed.
- Obtained summary judgment regarding whether a “claim” was first made during the applicable policy period. Summary judgment affirmed by the Ninth Circuit.
- Obtained numerous summary judgments and/or settlements on behalf of insurers in bad faith and breach of contract lawsuits in a number of jurisdictions across the U.S.
- Defended insurer clients in class action lawsuit in Illinois federal court and negotiated favorable early resolution of the lawsuit, avoiding class certification issues.
- On behalf of contractor and its principals, first-chaired six month jury trial involving breach of contract, fraud, and construction claims, obtaining a complete victory for the individual defendants.
- Arbitrated multimillion-dollar claim regarding interpretation of an environmental liability insurance policy. Prevailed on all issues.
- Obtained dismissals and/or settlements involving waiver of costs or nuisance payments on behalf of employers alleged to have committed a variety of employment claims.
- Represented relaters in a novel False Claims Act case that obtained $76.25 million in recoveries based upon allegations of price fixing for carbon fiber.
- Served as lead counsel in the resolution of a $5 million breach of contract, fraud dispute involving the failed sale of a commercial building.
- Served as lead trial counsel and negotiated multimillion settlement in derivative suit involving an allegedly fraudulent stock purchase.
- As lead trial counsel, prevailed on numerous motions for summary judgment and secured $3.75 million settlement in lawsuit involving breach of contract and breach of fiduciary duty claims.
- As lead trial counsel, successfully obtained a preliminary injunction and negotiated $4 million settlement on behalf of client, a national pharmaceutical company.

AWARDS

- *Best Lawyers in America*®: Insurance Law (2023-2027), Litigation – Insurance (2027)
- *Chambers USA*: Insurance: Insurer, California (2018-2026)
- *Legal 500 United States*: Insurance: Advice to Insurers (2022-2025)
- *Law & Politics*: “Super Lawyer” in Business Litigation (2012)

TOP AREAS OF FOCUS

- Employment Practices Liability
- General Liability
- Health Care Insurance
- Insurance + Reinsurance
- Media, Technology + Cyber Liability Insurance

ALL AREAS OF FOCUS

- Antitrust
- Bad Faith

- Business Litigation
- Directors + Officers Insurance
- Employment Practices Liability
- Environmental Insurance Coverage
- General Liability
- Health Care Insurance
- Insurance + Reinsurance
- Litigation + Trial
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Media, Technology + Cyber Liability Insurance
- Professional Liability

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Association of Business Trial Lawyers, Orange County Chapter
- American Bar Association
- Orange County Bar Association
- Nevada State Bar Association

PROFESSIONAL EXPERIENCE

- Professor, labor and employment law, Cerritos College

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of the Pacific, McGeorge School of Law, J.D., *magna cum laude, Order of the Coif, Traynor Honor Society*, 1997, articles editor, *Pacific Law Journal*; student body vice president
- University of California, Irvine, B.A., 1993

BAR ADMISSIONS

- California
- Nevada

COURT ADMISSIONS

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Nevada

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SPEAKING ENGAGEMENTS

- Speaker, "Best Practices for Responding to Settlement Demands Part 1," Troutman Pepper Locke, May 12, 2025.
- Speaker, "Step-by-Step Recommendations for Dealing with Insolvent Policyholders," Troutman Pepper, December 12, 2024.
- Speaker, "Best Practices for Preserving Coverage Defenses, Navigating Waiver/Estoppel Issues, Securing Other Sources of Recovery, and Obtaining Proper Documentation from the Insured," *Troutman Pepper*, May 23, 2024.
- Speaker, "Understanding the Scope and Limits of Duty to Defend, Duty to Settle and Initiating Settlement Negotiations," ACI's 25th National Advanced Forum on Bad Faith Litigation, July 30, 2013.
- Speaker, "Hot Topics in Insurance Coverage and Bad Faith Litigation in California," Lorman Education Services, December 3, 2004.

PUBLICATIONS

- Co-author, "California Law Creates Statutory Safe Harbor for Certain Insurers Receiving Time-Limited Pre-Litigation Settlement Demands," *Troutman Pepper*, January 6, 2023.