

# KEVIN J. HARRINGTON

Kevin J. Harrington is the managing partner of the Commercial Litigation practice group. Kevin is a trial lawyer who handles a wide range of complex business and tort litigation, including cases in employment discrimination and harassment, trademark and copyright, contract law, construction law, business dissolution, partnership disputes, and professional liability.

Kevin is a member of the American Bar Association. He has authored articles and given presentations on the following topics: "Cyber Security: How Confidential Is Your Confidential Information: A Legal Perspective" May 2016; "Hiring and Terminating Employees in the Current Difficult Economic Environment" November 2012; "Measure of Damages for Injury to Property" Spring 2011; "Employee Privacy in the Digital Computer Age" Summer 2011; "Ethical Issues in Construction Litigation" September 2003; "Sexual Harassment Litigation, Evaluating the Case" Spring 2003.

Kevin graduated with Honors from Brown University in 1978 and received his law degree from Georgetown University Law Center in 1981. Kevin then spent more than four years as an Assistant District Attorney in the Manhattan District Attorney's Office in New York. Thereafter, he was an associate at Lord, Day & Lord Barrett Smith in New York City before leaving to become a partner at Rivkin Radler & Kremer at its national headquarters on Long Island. In 1992, Kevin became one of the founding partners in the firm that is now Harrington, Ocko & Monk, LLP.

Outside of the office, Kevin enjoys jump starting most days at the gym with an early morning workout and finds other opportunities to pursue passions of golf and skiing. He relaxes by working in the garden and rooting for perennially hopeless teams including the Jets, Knicks and Mets.

## Representative Matters:

- Obtained defense verdict at trial in Federal Court in the Southern District of New York on false advertising claims against direct response television marketing company. Obtained dismissal of numerous other claims in case including trademark and copyright infringement and unfair competition claims prior to trial.
- Obtained dismissal of discrimination claim against prominent University where student claimed that University's readmission process violated privacy rights of student concerning her mental health condition and treatment.
- Obtained and collected judgment of \$9.6 million after trial and appeal in Federal Court for two managed care companies against national insurance company for breach of contract and theft of trade secrets.
- Successfully prosecuted wrongful contract termination suite for construction company and construction surety bond company against school district, resulting in \$3 million settlement recovery.
- Negotiated very favorable settlement for construction companies defending subrogation fire loss claim of over \$78 million, after discovery demonstrated significant weaknesses in both liability and major elements of economic damages claims.
- Obtained summary judgment for college in Federal Court from race discrimination and retaliation claims brought by masters degree student who received failing grade after being accused of plagiarism.



## CONTACT

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LinkedIn Profile

## PRACTICE AREAS

Commercial Litigation

Employment Law

Professional Malpractice Law

Intellectual Property Law

Construction Law

## EDUCATION

Georgetown University Law Center  
Washington, DC  
» J.D. - 1981

Brown University, Providence, RI  
» A.B. - 1978  
» Honors: With Honors  
» Major: Political Theory

## BAR ADMISSIONS

New York, 1982

U.S. District Court Southern District of  
New York, 1983

U.S. District Court Eastern District of New  
York, 1983

U.S. Court of Appeals 2nd Circuit, 1997

U.S. Supreme Court, 2004

- Obtained summary judgment in two unrelated cases, one in Federal Court and the other in State Court; both for spoliation of electronic evidence.
- Successfully litigated Order to Show Cause seeking injunctive relief for insurance broker suing insurer, and obtained reinstatement of all subject insurance policies and renewal for additional term.
- Panel speaker on "Cyber Security: How Confidential Is Your Confidential Information, Threats, Exposure & Solutions," Westchester County Bar Association CLE Seminar-May 2016
- Speaker on "Hiring and Terminating Employees in the Current Difficult Economic Environment," Sterling Education Services, Inc. Employment Law CLE Seminar – November 2012
- Speaker on "Measure of Damages for Injury to Property," NYSBA CLE program "Premises Liability-What You Need to Know in New York"- Spring 2011
- "Privacy Rights of Employees in the Modern Digital Workplace," Sterling Education Services, Inc. Fundamentals of Employment Law in New York CLE Seminar
- Panel speaker, "Ethical Issues in Construction Litigation," New York City Panel of NYSBA Program "Construction Work Site and Accident Litigation"
- Taught a CLE course from the "defense perspective" on "Sexual Harassment Litigation: Evaluating the Case," New York State Trial Lawyers Association
- Lectured on "Lead Paint Exposures – Who's Left Holding the Bucket," Annual meeting of the Risk Insurance Management Society (RIMS)
- Taking and Pursuing the Case, New York State Lawyers Association, Sexual Harassment & Employment Seminar

#### Published Works

- Co-authored "Employee Privacy in the Digital Computer Age," NYSBA Torts, Insurance & Compensation Law Section Journal, Vol. 40, No. 1 Summer, 2011

#### Decisions

- *Emily Pierce v. Fordham*, \_\_\_ F. Supp. \_\_\_ (United States District Court, Southern District of New York 2016)
- *Joyce Peters v. Molloy College*, 2013 WL 5652503 (United States District Court, Eastern District of New York 2013)
- *Carlene Battiste-Downie v. Covenant House, et al.*, 471 Fed. Appx. 708 (United States Court of Appeals for the Second Circuit 2012)
- *Software for Moving, Inc. v. La Rosa Del Monte Express, Inc., et al.*, 419 Fed. Appx. 41 (United States Court of Appeals for the Second Circuit 2011)
- *Chen v. Fischer*, 73 A.D.3d 1167 (New York Appellate Division, 2d Dep't 2010)
- *Robert A. Denenberg v. Warren Rosen, et al.*, 71 A.D.3d 187 (New York Appellate Division, 1st Dep't 2010)
- *Versatile Housewares & Gardening Systems v. Thill Logistics, Inc.; SAS Group, Inc., et al.*, 2009 WL 4730825 (United States District Court, Eastern District of Wisconsin 2009)
- *Health Alliance Network, Inc., et al. v. Continental Casualty Company, et al.*, 245 FRD. 121 (United States District Court, Southern District of New York 2007)
- *NetJets, Inc. v. Signature Flight Support, Inc.*, 43 A.D.3d 1016 (New York Appellate Division, 2d Dep't 2007)
- *Mario DiBlasio, M.D., et al. Antonia C. Novello, et al.*, 344 F.3d 292 (United States Court of Appeals for the Second Circuit 2003)

#### HONORS AND AWARDS

Super Lawyers® The TOP 25 LIST of Attorneys in Westchester County, NY – 2015–Present

Super Lawyers® selected, Metro New York – 2013–Present



#### ASSOCIATIONS/MEMBERSHIPS

American Bar Association, Member