



## Kevin McAdam

Partner

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**Kevin protects companies by counseling their owners and diligently resolving their business problems, as if they were his own.**

Kevin takes on ownership disputes and business divorces, particularly for small- to medium-sized companies. He also litigates actions involving trade secrets, covenants not to compete, and non-solicitation/non-circumvention agreements. Kevin focuses on a variety of industries, especially financial services, commercial real estate, and securities. He has tried cases, litigated domestic and international arbitrations, and been recognized by Best Lawyers® for alternative dispute resolution and commercial litigation.

Kevin chairs Holland & Hart's recruiting committee and the firm's Lions of Litigation associate training sub-committee.

Before joining Holland & Hart, Kevin clerked for the Honorable Christine M. Arguello on the U.S. District Court for the District of Colorado and for Judge John R. Webb on the Colorado Court of Appeals. In law school, Kevin interned for then-Judge Neil M. Gorsuch on the Tenth Circuit Court of Appeals and for then-Colorado Solicitor General Daniel D. Domenico.

### PRACTICES

Business Litigation  
Real Estate Litigation  
Stakeholder Disputes  
Trade Secrets and Non-Competes  
Appellate

### INDUSTRIES

Mining  
Financial Institutions  
Fitness and Outdoor Recreation  
Technology

### EDUCATION

University of Colorado Law School, J.D., 2010

Austin W. Scott Best Oralist Award,  
Rothgerber Moot Court Competition  
ABA National Mock Trial Team

Universidad Alberto Hurtado – Santiago,  
Chile, Diplomado, 2005

Emphasis in Poverty and Development  
Studies

Rotary International Ambassadorial  
Scholarship

Boston College, B.A., 2004  
*summa cum laude*

Phi Beta Kappa  
Scholar of the College  
Marshal, Order of the Cross and Crown

### BAR ADMISSIONS

Colorado

### COURT ADMISSIONS

U.S. District Court for the District of  
Colorado

U.S. District Court for the District of New  
Mexico

### EXPERIENCE

#### Business Litigation

Kevin assists clients at all stages of litigation and arbitration, including:

- Responding to or issuing demand letters or subpoenas
- Conducting written and deposition discovery
- Working with experts
- Drafting dispositive motions
- Arguing hearings
- Preparing witnesses to testify
- Trying cases
- Defending arbitration awards during vacatur proceedings
- Assisting with appeals
- Negotiating settlements

#### Trade Secrets and Non-Competes

Kevin represents employers and individual employees, in cases involving:

- Trade secrets
- Covenants not to compete
- Non-solicitation agreements
- Non-circumvention agreements
- Other claims relating to departing employees

### **Commercial Real Estate Litigation**

Kevin has broad experience in commercial real estate disputes, such as:

- Litigating breach of lease actions on behalf of landlords and tenants
- Defending personal guarantors
- Quieting title to and foreclosing on real property
- Litigating real property titles, liens, and other land use issues
- Defending developers and property owners in Rule 106 appeals

### **Securities Litigation**

Kevin represents individual and corporate clients in a variety of securities-related proceedings, such as:

- Class actions
- Shareholder derivative suits
- SEC enforcement proceedings
- Internal investigations

## **CLIENT RESULTS**

### **Business Litigation**

Defended investment advisory firm and individual investment advisors in breach of fiduciary duty matter which, after week-long arbitration hearing, ended in complete defense victory and order that plaintiff pay all defense costs and attorney fees.

Litigated \$200 million fraud case on behalf of mining client defendant to successful resolution in which plaintiffs consented to judgment entering against them.

On behalf of controlling owners, successfully defended derivative action in business divorce case, then sued minority owner on behalf of company, obtained preliminary injunction, and entered into favorable settlement.

In adversary proceeding in bankruptcy court, on behalf of Colorado-based investment company that owned a multi-million-dollar loan, on which the debtor had successfully evaded liability for a decade, litigated the case to favorable settlement within one year of being hired as counsel.

Obtained voluntary dismissal of replevin action within one hour of filing

motion to dismiss on behalf of national financial services client.

Successfully represented financial regulatory body in over 1,200 broker-dealer expungement matters.

### **Trade Secrets and Non-Competes**

As plaintiff's counsel, obtained TRO in trade secrets/covenant-not-to-compete case, which led to favorable settlement.

As defense counsel for departing employee, defeated motion for TRO in trade secrets/covenant-not-to-compete case, in which plaintiff then voluntarily dismissed the action and entered into settlement when served with a motion for sanctions.

Litigated trade secrets and non-solicitation case against former employees and their new business, settling favorably before trial.

Represented emerging growth company in non-circumvention arbitration, successfully employing strategy to have the arbitration stayed by state trial court.

### **Commercial Real Estate Litigation**

On behalf of property management company landlord, achieved 100% of relief sought against tenant and personal guarantor in breach of lease action.

On behalf of national restaurant client and commercial lease tenant, negotiated favorable settlement after serving landlord with action for declaratory judgment and breach of lease.

Successfully defended personal guarantors of lease to distillery space, asserted counterclaims and crossclaims, and negotiated favorable settlement.

In action to quiet title to commercial property, obtained summary judgment for individual plaintiff, then obtained summary judgment again in follow-on foreclosure action.

In Rule 106 matter, defended property developer and achieved victory, which was subsequently affirmed on appeal.

### **Securities Litigation**

Successfully defended target of SEC insider trading investigation, resulting in SEC declining to pursue enforcement action.

Successfully defended individual clients against five dispositive motions and argued jury instructions during final trial preparation conference, after which case settled favorably.

Conducted voluntary internal investigation of securities fraud allegations for national financial services client that succeeded in avoiding charges by

the SEC.

On behalf of Fortune 500 company faced with defending parallel state court shareholder derivative action, removed action to federal court, defeated remand motion, and consolidated action with others in federal court, saving client significant expense and establishing new Tenth Circuit law regarding "forum defendant" rule.

In \$10 million shareholder derivative action before American Arbitration Association's International Centre for Dispute Resolution, briefed, argued, and successfully defeated motion to dismiss on behalf of international mining client that subsequently obtained 100% of relief sought at arbitration.

In three-year federal court confirmation matter, successfully defended arbitration award entered in favor of international mining client.

## **PUBLICATIONS**

"The Practitioner's Guide to Colorado Employment Law, Third Edition," *Colorado Bar Association CLE*, December 2023

"Arbitration: Moving to Compel or Stay Arbitration (CO)," *Practical Guidance, LexisNexis*, Annual article updates 2022 to present

"Government Catches Insider Trading Supreme Court Win In Salman," *Holland & Hart News Update*, 12/12/2016

"Newman Cert. A Potential Tipping Point For Insider Trading Liability," *Holland & Hart News Update*, 8/21/2015

"Privacy: A Common Law and Constitutional Crossroads," *The Colorado Lawyer*, Co-Author, June 2011

## **SPEAKING ENGAGEMENTS**

"Professional Skills," *Holland & Hart Summer Clerk Training*, Panelist, May 2022

"Business Development Strategies," *Holland & Hart Summer Clerk Training*, Panelist, July 2016

"Lawyering 101: Using Diversity as an Asset," *Rocky Mountain Black Law Students Association Regional Convention*, Panelist, January 2016

"Safeguarding Your Privacy: Data Security in a Digital World," *Colorado Bar Association Civil Rights Committee*, Panel Moderator, February 2015

## **RECOGNITION**

- Colorado Super Lawyers®, Business Litigation, 2023-2026
- Colorado Super Lawyers® Rising Stars, Business Litigation, 2018-2020
- *Best Lawyers: Ones to Watch® in America*, Alternative Dispute

Resolution; Commercial Litigation, 2021-2025

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- Chesterton Academy of Our Lady of Victory, Member, Board of Trustees, 2023-present
- Leadership Denver, Class of 2022
- Regina Caeli Academy, Member, Board of Directors, 2022
- Mile High Youth Corps  
Member, Board of Directors, 2014-2022  
Vice-Chair, Executive Committee, 2021-2022  
Secretary, Executive Committee, 2019-2021  
Chair, Nominating Committee, 2015-2019
- Law School . . . Yes We Can, Mentor, 2015-2017
- Lawyers in the Classroom, Volunteer, 2015-2019
- Catholic Lawyers Guild of Colorado  
Member, 2013-present  
Member, Board of Directors, 2019-present  
President, 2018  
Treasurer, 2017  
Secretary, 2016
- Alliance Defending Freedom, Blackstone Fellow, 2008-present
- Colorado Bar Association Civil Rights Committee, Member, 2011-2016
- American Bar Association, Member
- Colorado Bar Association, Member
- Denver Bar Association, Member