

Eric Kennedy

Orange County, California
Los Angeles, California
Shareholder

P (949) 224-6450
F (949) 720-0182
F (213) 896-0400
ekennedy@buchalter.com



Areas of Practice & Industry Specialties

Litigation; Class Actions; Products Liability Law; Intellectual Property Law; Labor & Employment; Trade Secrets & Employee Mobility; Real Estate; e-Discovery; Franchise Law; Automotive; Social Media Influencers; Autonomous & Intelligent Systems

Eric Kennedy is the Office Managing Shareholder of Buchalter's Orange County office. Drawing on two decades of experience, Mr. Kennedy often functions as outside general counsel for his clients, utilizing Buchalter's full service platform and deep bench of talented lawyers to address a wide variety of legal needs from litigation counseling and management, to employment, to financing, to mergers and acquisitions.

Mr. Kennedy's personal practice focuses on complex litigation matters in two primary areas:

(1) Real Estate. Mr. Kennedy routinely handles matters involving owners, operators, investors, developers, landlords, commercial tenants, purchase agreements, SPVs/SPEs, leases, financing, construction and development, and land use and entitlements.

(2) Corporate Financing, Governance and Operations. Mr. Kennedy regularly represents clients in disputes involving all aspects of corporate financing, governance, and operations, including disputes involving founders, directors, managers, officers, shareholders, investors, lenders, partners, affiliates, vendors, etc.

Mr. Kennedy also has significant experience defending consumer class actions and disputes involving contracts, unfair competition, fiduciary relationships, false advertising, trade secrets, and trademark and copyright infringement. Mr. Kennedy represents clients in a variety of industries, including technology, retail, apparel, social media, consumer products, and automotive.

Mr. Kennedy handles matters in both state and federal court and has tried cases on both coasts.

Representative Matters

- Co-lead counsel in month-long trial representing publicly traded heavy equipment manufacturer based in Korea. Obtained seven-figure breach of contract and fraud judgment. Proved alter ego liability regarding defendants' founders. Obtained full defense judgment on all counter-claims.
- Demurrer sustained without leave to amend on all causes of action brought in response to partition action.

- Prevailed on appeal in vast consolidated matter regarding a statutory award of attorneys' fees in connection with an application for a civil harassment restraining order.
- Lead counsel for publicly traded real estate services and investment firm in breach of contract matter. After a week-long arbitration, obtained a seven-figure award and a complete defense of all counter-claims.
- Lead counsel in successful motion to dismiss publicly traded REIT from wrongful death lawsuit.
- Lead pro bono counsel for a family that lost their home in the Woolsey Fire. After the fire, the HOA claimed that the family's lot was 25% smaller than originally thought, making it impossible for them to rebuild their home. Mr. Kennedy led the effort to secure a lot line adjustment and obtained a large settlement addressing the harm the family experienced by being displaced throughout the process.
- Obtained favorable settlement for a publicly traded residential developer in a dispute regarding the establishment of a community facilities district for a 900 home development in Southern California.
- Lead counsel in obtaining favorable settlement in a class action brought against publicly traded owner of single family rental homes in the country relating to the sale of large property portfolio.
- Lead counsel in obtaining favorable settlement in class action brought against large mobile accessory manufacturer regarding alleged design defect claims.
- Lead counsel for large health and beauty brand in arbitration regarding a breach of contract matter against international distributor. Obtained complete victory on all claims and complete defense on all counter-claims.
- Lead counsel in obtaining seven-figure judgment following two week arbitration involving breach of contract and fraud claims among international apparel companies.
- Obtained summary judgment on behalf of global petroleum company in one of largest class actions filed in California. Plaintiffs sought damages on behalf of all consumers required to provide zip code when paying for gasoline at the pump.

Publications

- Manufacturer Liability & Autonomous Vehicles, *Bloomberg Law*, April 26, 2022
- Pre-Allocation of AV Risk & Liability, *Bloomberg Law*, December 21, 2021
- Executive Order Aimed at Restricting Civil Liability Protections Afforded to Social Media Companies, *Buchalter Client Alert*, May 29, 2020
- Why is the US not leading the global race in AV readiness?, *Automotive World*, April 3, 2019
- Espionage, Trade Secrets & Antitrust Violations: A Real-Life DRAM Drama Unfolds, *EBN Online*, November 19, 2018
- House Hands SELF DRIVE Act to Senate, *Buchalter Client Alert*, September 18, 2017
- House Panel Approves Sweeping Proposal on Autonomous Vehicles, Putting Innovation Above Regulation, *Buchalter Client Alert*, July 21, 2017
- Bipartisan Group of Senators Releases Principles for Federal Autonomous Vehicle Laws, *Buchalter Client Alert*, June 21, 2017
- Are You Allowed to Jailbreak Your Car? As of October 28, the Answer is Yes, *Buchalter Client Alert*, November 1, 2016

Presentations

- Speaker, "New SAG-AFTRA Influencer Agreement and Influencer-Produced Sponsored Content Waiver: Key Provisions, New Opportunities," Strafford Webinar, March 30, 2022
- Panelist, "Litigating ADAS and AV cases," ADAS & AV Legal Issues & Liabilities World Congress,

October 22, 2019

Education

Eric earned his J.D. at USC Gould School of Law and received his undergraduate degree in Psychology from Brigham Young University, Provo UT.

Bar Admissions

- California

Court Admissions

- Supreme Court of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California