



## **Kevin K. Douglass**

Shareholder

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### **Area of Emphasis**

Kevin Douglass is a shareholder in the Firm's Litigation, Energy and Natural Resources, and Emerging Technologies groups. Mr. Douglass is a complex commercial litigator with significant trial experience in a variety of forums including federal, state and bankruptcy courts and private arbitrations. In addition, he is a certified mediator and has served as an arbitrator in commercial and oil and gas disputes.

### ***Natural Resources***

Mr. Douglass represents natural gas and coal clients in litigation and administrative proceedings involving landowner lease title and nuisance disputes, joint venture issues, mine subsidence, zoning, construction, and municipal ordinances. For many years, he served as editor of the Firm's *Babst Calland Report*, an annual publication covering events and issues of interest to the energy industry. Mr. Douglass is an active member and past president of the Energy & Mineral Law Foundation (EMLF) and serves on its Board of Trustees. In 2018, he was the recipient of the EMLF's John L. McClaugherty Award for extraordinary service to the legal profession and the EMLF.

### ***Business Counseling and Litigation***

Mr. Douglass provides counseling and litigation services to businesses, business owners, managers, directors and officers. On behalf of companies, he has managed confidential internal investigations concerning the conduct of officers and employees. Mr. Douglass also regularly advises majority, minority and 50% business owners with respect to their fiduciary duties and contractual rights as defined in company governance documents, employment agreements and other relevant documents. He understands the importance of mastering not only the legal issues, but also the nuances of a company's financials, operations and management structure. Mr. Douglass often negotiates owner buyouts and works to develop other creative solutions to resolve disagreements. He has successfully litigated disputes between business owners through trial amidst allegations of mismanagement, "freeze-out," self-dealing and other alleged improprieties.

### **Representative Commercial Litigation Matters**

- Advantageous settlement after two-week trial defending majority business owners against claims of alleged mismanagement and fraud; buyout of minority owner achieved
- Dismissal of \$79 million CERCLA cost recovery action that was subsequently affirmed by the Seventh Circuit Court of Appeals following oral argument
- Successful defense of a majority shareholder in a two-week jury trial involving the buyout of a minority shareholder
- Advantageous settlement after a two-week trial defending public company against a \$54 million destruction of business claim
- Defense of a billion-dollar entity's chief financial officer in multiple cases, including class actions
- \$3.3 million judgment, plus attorneys' fees, on behalf of a corporate officer and former business owner following an eight-day trial against his former employer and a successor company
- Punitive damage award following a jury trial involving trade secret violations
- Dismissal of Environmental Hearing Board appeals alleging mine subsidence damage following multi-day evidentiary hearings involving multiple subsidence experts
- Emergency court hearing resulting in successful appointment of a custodian to operate deadlocked business leading to successful buyout of a 50% owner
- Appointment of a corporate custodian after a protracted multi-day hearing exposing fraudulent activities

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## Background

Mr. Douglass graduated *magna cum laude* from Mount Union College in 1983 with a B.A. in History. He earned his J.D. at Duquesne University School of Law in 1986 where he was a member of the *Duquesne Law Review*.

## Memberships and Affiliations

Mr. Douglass is admitted to practice in Pennsylvania and West Virginia, as well as before the United States District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Third Circuit. He has also been admitted *pro hac vice* in numerous state and federal courts.

Mr. Douglass is a member of the Allegheny County, Pennsylvania and American Bar associations. He has served on Allegheny County's Judiciary Committee and is a past chair and a current member of the Court Rules Committee. Mr. Douglass also has been appointed to serve on *ad hoc* committees responsible for extensive changes to the County's local rules and jury selection system.

Mr. Douglass has been listed in *The Best Lawyers in America*® by BL Rankings in the Natural Resources Law Section since 2013 and was named the *Best Lawyers*® 2022 Natural Resources Law "Lawyer of the Year" in Pittsburgh, Pa. He was selected to the 2012-2016 and 2018-2019 *Pennsylvania Super Lawyers* lists (Thomson Reuters).

## Publications/Presentations

Author, "MindShare: Resolving Conflict Among Tech Business Owners," *TEQ magazine*, September 15, 2023.

Guest, "Conflict Resolution," Pittsburgh Technology Council's *Emerging Tech Law Series Podcast*, April 11, 2023.

Burroughs, Adam (*interviewed by author*), "Resolving Conflict Among Business Owners," *Smart Business*, April 2023.

Ostrowski, Sue (*interviewed by author*), "Company Theft: How to Prevent Employees from Stealing — and Detect Theft if They Are," *Smart Business*, September 2021.

Author, "Has COVID-19 Escalated Disagreements Between Business Owners?" Babst Calland *Perspectives for Business Owners*, May 4, 2021.

Gest, Jayne (*interviewed by author*), "Face it Head On: How to Resolve Conflict Among Business Owners," *Smart Business*, September 2019.

Author, "Work it Out—Conflict Resolution for Business Owners," *The Legal Intelligencer*, January 11, 2019.

Presenter, "The Rise of NGO Litigation in Response to the Trump Presidency," EMLF Conference, Lexington, Ky., October 2017.

Presenter and Panel Facilitator, "Resolving Disagreements Between Co-Owners of Business," Association for Corporate Growth, Pittsburgh, Pa., October 2016.

Co-Author, "Extending Oil and Gas Leases to Their Secondary Term," American Bar Association's *Environmental Litigation Committee Newsletter*, Summer 2012.

Co-Presenter, "To Infinity and Beyond: Extending Your Lease to Its Secondary Term in the Appalachian Basin," EMLF Annual Institute, Charleston, S.C., June 2012.

Presenter, "Marcellus Shale Municipal Ordinances in Pennsylvania: Constitutional and Preemption Challenges," LexisNexis presents *Emerging Issues in the Law of Marcellus Shale in Pennsylvania and West Virginia*, Pittsburgh, Pa., June 2011.

\*View online profile for full list of Publications/Presentations.