



## Kevin Schlosser

Member of the Firm

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Garden City, New York 11530  
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### Practice Areas

Litigation & Dispute Resolution

### Education

Hofstra University Law School  
J.D. with distinction, 1984

John Jay College of Criminal Justice,  
City University of New York  
B.A., 1981  
*magna cum laude*

### Memberships

American Inns of Court Executive Board,  
Theodore Roosevelt Chapter,  
President

National Institute for Trial Advocacy,  
Instructor

American Bar Association, Litigation Section

New York Bar Association, Commercial and  
Federal Litigation Section

Nassau County Bar Association,  
Commercial Litigation Committee

New York State Bar Foundation Fellow

### Admissions

New York State  
U.S. Supreme Court

U.S. Court of Appeals for the Second Circuit

U.S. District Court, Eastern and Southern  
Districts of New York

U.S. District Court, Eastern District of Michigan

U.S. District Court, Eastern District of Wisconsin

Kevin Schlosser is a Member and the Chair of the Litigation and Dispute Resolution Department at Meyer, Suozzi, English & Klein, P.C. located in Garden City, Long Island, N.Y. Mr. Schlosser has been involved in all aspects of state and federal litigation since starting his legal career in 1984. An experienced civil litigator, Mr. Schlosser has engineered the legal strategy for a broad range of cases and arbitrations, including complex commercial disputes, business torts, fraud, breach of fiduciary duty, breach of contract, professional liability and malpractice claims, construction law, real estate and commercial landlord-tenant disputes, corporate and partnership disputes, ERISA, health law, Federal Fair Debt Collection Practices Act class actions, employment and restrictive covenants, intellectual property, products liability, insurance claims and defense, including disability insurance claims and the prosecution and defense of other tort-related claims. His clients consist of some of the largest companies in the world, as well as local businesses and individuals, including senior law partners, accountants, doctors and others in the professions. A proven appellate lawyer, he is also an accomplished trial attorney, whose victories include million-dollar recoveries and a record-breaking jury verdict.

In addition to his litigation experience, Mr. Schlosser also acts as general outside corporate counsel, advising corporate clients on the full spectrum of legal affairs. Mr. Schlosser receives referrals for most of his clients from other practicing attorneys (often former adversaries) and existing clients. Because of his experience in the Commercial Division of the Supreme Court in Nassau County, Mr. Schlosser is also frequently tapped to serve as local Long Island counsel to many other law firms in New York City and out of state.

Notable experience includes:

- Won a \$12.6 million judgment in a jury trial in the Commercial Division, Nassau County, in a breach of contract case involving a stock purchase agreement
- Won at trial in Commercial Division, New York County, defeating \$1.2 million commission claim by Trump Securities
- Appeared as special litigation counsel to the National Football League and obtained the immediate vacatur of an injunction through an order of the Appellate Division in Long Island, thereby permitting the NFL to pursue its policy of mandatory drug testing of professional football player

## Kevin Schlosser

- Successfully defended a \$65 million shareholder derivative action alleging breach of fiduciary duties and corporate waste against the former president of a public bank, resulting in the entire action against the president being dismissed with no monetary payment from the president and his counsel fees being reimbursed in their entirety by the bank
- Successfully defended a \$25 million action alleging several counts of fraud, breach of contract and business torts against the largest casino operator in the world
- Obtained summary judgment dismissing case and prevailed on appeal to the First Department and Court of Appeals in an action alleging damages of over \$20 million, asserting intentional interference with contract and interference with business relations against largest casino operator in the world
- Prevailed on appeal to the Second Department to sustain claim of punitive damages in a commercial fraud and breach of fiduciary duty action
- Prevailed after trial in dispute between senior law partners concerning the proper method for allocating fees in cases handled by the law firm
- Obtained injunctive relief on behalf of product manufacturer/seller in federal district court barring competitors from selling competing, offending product, and prevailed after trial in challenge to the injunction
- Obtained final judgment against large manufacturer's competitor and former employee under restrictive covenants and non-disclosure agreements based upon claims of misappropriation of trade secrets and breach of contract
- Obtained highest jury award on record for damages in an action for nuisance and interference with real property rights on behalf of property owners in the Supreme Court, Suffolk County
- Obtained jury verdict on behalf of international distributor-commercial tenant on the ground of constructive eviction even though tenant continued to remain in the leased premises for lengthy period of time, in which jury awarded tenant significant monetary damages against the landlord and relieved the tenant of any further obligation for rent on remaining lease term after the tenant moved to new space
- Obtained summary judgment against insurer on behalf of insured manufacturer declaring that insurer must defend underlying false advertising and Lanham Act claims pending in federal district court
- Obtained favorable resolution of several actions arising from partnership dispute and sale of real property in New York City, including \$14 million fraud claims, breach of fiduciary duty claims and breach of contract
- Recovered, by way of judgment and settlements, millions of dollars on behalf of disabled professionals and other employees under private and ERISA disability insurance policies
- Spearheaded as general outside counsel to an international manufacturer (the largest of its kind in the world) the favorable settlement of a \$25 million products liability action after several rounds of mediation, successfully resolving complex insurance issues and coordinating three outside defense firms in the defense of the client
- As general outside corporate counsel to an international manufacturer, provides on-going oversight of all legal affairs of the company, including employment, regulatory, acquisitions and joint ventures, licensing and intellectual property transactions, distribution agreements, independent contractor agreements, operating agreements and related matters

## Kevin Schlosser

Mr. Schlosser serves in various teaching capacities: He is a member of the faculty of the National Institute for Trial Advocacy; has chaired the Continuing Legal Education Program on New York Civil Motion Practice at Hofstra Law School; and is a member of the Continuing Legal Education faculty panel of the New York State Bar Association and the Nassau County Bar Association Academy of Law, where he instructs experienced practicing attorneys. He has given CLE seminars and presentations with some of the most prominent judges in the state and federal courts, including Supreme Court Commercial Division Justices Timothy S. Driscoll, Vito M. DeStefano, Stephen Bucaria, Emily Pines, Elizabeth Hazlitt Emerson, Saliann Scarpulla and Thomas Whelan, Appellate Division Justices Leonard Austin, Karla Moskowitz, Barbara Kapnick and federal judiciary such as U.S. District Court Judges Shira Scheindlin, Richard J. Sullivan and Nicholas G. Garaufis and Magistrate Judges A. Kathleen Tomlinson, Arlene R. Lindsay and William Wall.

Mr. Schlosser has written extensively on many aspects of the law, publishing numerous articles over twenty years in leading legal publications. He has authored the "Litigation Review" column for the *New York Law Journal* and served on the Board of Editors of the *Nassau Lawyer*, which is the official publication of the Nassau County Bar Association.

Active in charitable organizations, Mr. Schlosser received the 2003 Leadership Award presented by the Long Island Chapter of the National Multiple Sclerosis Society. He also serves as a faculty member of the Construction Management Institute, sponsored by the New York State Chapter of the National Association of Minority Contractors, helping minority-owned contractors enhance their developing businesses.

During law school, Mr. Schlosser was a Member and then Articles Editor of the *Hofstra Law Review*. In his capacity as Articles Editor, Mr. Schlosser interacted with and edited articles of some of the most prominent and well-respected legal scholars, including law professors, evidence experts and Congressional leaders. He also clerked for the Honorable George C. Pratt, United States Circuit Court Judge, where he drafted several court decisions, including a complex antitrust ruling. He also obtained valuable trial experience while clerking in the Criminal Division of the United States Attorney's Office for the Eastern District of New York, where he assisted in the prosecution of several major felony cases. Mr. Schlosser graduated law school with the highest honors. Additionally, he was a founding officer of a national criminal justice honor society at John Jay College of Criminal Justice of the City University of New York.

At the outset of his career, Mr. Schlosser acquired intensive litigation experience, having been trained at two prominent firms based in New York City: Patterson, Belknap, Webb & Tyler, and Chadbourne & Parke. In 1990, he became an associate of one of Long Island's largest law firms, where he rose to the level of a managing partner and head of its litigation department, the largest group in the firm. After joining Meyer, Suozzi and becoming a Member in 2002, Mr. Schlosser was appointed Co-Chair of the firm's litigation department in November 2002. In 2006, Mr. Schlosser became Chair of the litigation department. He is also a member of the firm's Management Committee.

Mr. Schlosser is rated "AV Preeminent" by Martindale-Hubbell, the highest level in professional excellence. Mr. Schlosser was recognized by *Long Island Pulse Magazine* in 2010 and 2011 as the region's "Top Legal Eagle for Litigation." In 2016, Mr. Schlosser was inducted as the President of the Theodore Roosevelt American Inn of Court. Mr. Schlosser has been named to the *New York Super Lawyers* list as one of the top attorneys in New York from 2012-2017.

# Kevin Schlosser Published Articles

## NEW YORK SHOULD CATCH THE FEDERAL ESI WAVE BEFORE IT'S TOO LATE

December 23, 2015  
New York Law Journal

## READING RESTRICTIVE COVENANT TEA LEAVES FROM STATE'S HIGH COURT

July 24, 2015  
New York Law Journal

## TIME TO REVISE EMPLOYMENT RESTRICTIVE COVENANTS

April 16, 2014  
New York Law Journal

## COURTS BOLSTER RELEASE OF FIDUCIARY DUTIES AND FRAUD

April 16, 2013  
The Nassau Lawyer

## GRAPPLING WITH FIDUCIARY DUTIES IN ENFORCING CONTRACTS

October 27, 2011  
New York Law Journal

## FEDERAL PLEADINGS ARE RECEIVING HEIGHTENED SCRUTINY UNDER NEW STANDARD

*Focus on Commercial Litigations*  
October 28, 2009  
The Suffolk Lawyer

## SECOND CIRCUIT BROADENS DISABILITY INSURANCE REMEDIES -

Article by Kevin Schlosser and Robert C. Angelillo  
March 7, 2009  
New York Law Journal

## NEW FEDERAL CASE EXPANDS RIGHTS OF DISABILITY INSURANCE CLAIMANTS

*Slupinski v. First Unum Life Insurance 2nd Circuit Attorney Fees and Interest Awarded*  
February 2, 2009  
www.msek.com

## LIBERALIZING DISCOVERY IN ERISA DISABILITY INSURANCE CASES

*Litigation Review*  
September 23, 2008  
New York Law Journal

## NASSAU COMMERCIAL DIVISION ADDS

E-JURISPRUDENCE  
*Litigation Review*  
July 22, 2008  
New York Law Journal

## NEW PERSONNEL IN THE COMMERCIAL DIVISIONS

*Litigation Review*  
May 27, 2008  
New York Law Journal

## DODGING AN E-BULLET SANCTION

*Litigation Review*  
March 25, 2008  
New York Law Journal

## CLARIFYING PUNITIVE DAMAGE CONFUSION

*Litigation Review*  
January 22, 2008  
New York Law Journal

## A CORPORATE DISSOLUTION MINEFIELD

*Litigation Review*  
November 27, 2007  
New York Law Journal

## RARE CASE HIGHLIGHTS PITFALLS OF UNCONSCIONABLE CONTRACTS

*Litigation Review*  
September 25, 2007  
New York Law Journal

## RECENT ISSUES IN COLLATERAL ESTOPPEL

*Litigation Review*  
July 24, 2007  
New York Law Journal

## RES JUDICATA AND PIERCING THE CORPORATE VEIL

*Litigation Review*  
May 22, 2007  
New York Law Journal

## BINDING SETTLEMENTS THROUGH EMAIL?

*Litigation Review*  
March 27, 2007  
New York Law Journal

## AFFIRMATIVE STEPS TO PRESERVE AFFIRMATIVE DEFENSES

*Litigation Review*  
January 23, 2007  
New York Law Journal

## WEAVING JURISDICTION FROM THE WEB

*Litigation Review*  
November 28, 2006  
New York Law Journal

## PRIVILEGE PROTECTIONS FOR ACCOUNTANTS

*Litigation Review*  
September 26, 2006  
New York Law Journal

## INADVERTENT WAIVER OF PRIVILEGE IN THE E-AGE

*Litigation Review*  
July 25, 2006  
New York Law Journal

## ADMISSIBILITY OF ETHICS CODES IN LEGAL

MALPRACTICE ACTIONS  
*Litigation Review*  
May 23, 2006  
New York Law Journal

## HIGH-FLYING TORT DECISIONS

*Litigation Review*  
March 28, 2006  
New York Law Journal

## NEW STATEWIDE UNIFORM RULES FOR COMMERCIAL DIVISION

March 1, 2006  
Nassau Lawyer

## LIMITATIONS ON MARITAL PRIVILEGE

*Litigation Review*  
January 24, 2006  
New York Law Journal

## DISQUALIFYING EXPERTS BASED ON CONFLICTS OF INTEREST

*Litigation Review*  
November 22, 2005  
New York Law Journal

## THE FINE ART OF DRAFTING PLEADINGS

*Litigation Review*  
September 27, 2005  
New York Law Journal

## JURY OR NON-JURY? THAT IS THE QUESTION

*Litigation Review*  
July 26, 2005  
New York Law Journal

## DEFAULT JUDGMENT MOTIONS

*Litigation Review*  
May 24, 2005  
New York Law Journal

## APPLYING SIMPLE PREJUDGMENT INTEREST NOT SO SIMPLE

*Litigation Review*  
March 22, 2005  
New York Law Journal

## RIGHTS OF DISABILITY INSURANCE CLAIMANTS BOOSTED WITH

DECISION  
*Outside Counsel*  
February 15, 2005  
New York Law Journal

## NASSAU DECISION PAVES WAY TO GREATER USE OF "BLACK BOX"

EVIDENCE  
*Litigation Review*  
January 25, 2005  
New York Law Journal

## STATE LAW ON COST OF E-DISCOVERY IS STARTING TO TAKE SHAPE

*Litigation Review*  
November 23, 2004  
New York Law Journal

## TWO RECENT SPOILIATION RULINGS IMPOSE SEVERE SANCTIONS

*Litigation Review*  
September 28, 2004  
New York Law Journal

## RESTRICTIVE COVENANTS REMAIN RIPE AREA OF LITIGATION

*Litigation Review*  
July 27, 2004  
New York Law Journal

## JUDGES OFFER INSIGHTS ON ORAL ARGUMENT

*Litigation Review*  
May 25, 2004  
New York Law Journal

## NEW LOCAL FEDERAL RULE FOR SUMMARY JUDGMENT MOTIONS

*Litigation Review*  
March 23, 2004  
New York Law Journal

## ATTORNEY CONFLICTS OF INTEREST IN CORPORATE DISPUTES

*Litigation Review*  
January 27, 2004  
New York Law Journal

## ELECTRONIC CASE FILING COMING TO A COURTHOUSE NEAR YOU

*Litigation Review*  
November 25, 2003  
New York Law Journal

## COMMERCIAL DIVISION JUDGES HELP SHAPE

PROCEDURE AND LAW  
*Litigation Review*  
September 23, 2003  
New York Law Journal

## E-VOLVING E-MAIL E-DICTS

*Litigation Review*  
August 4, 2003  
New York Law Journal

## DISABILITY INSURANCE UNDER ERISA: ITS NOT YOUR ORDINARY

STATE CONTRACT CLAIM  
October 6, 2002  
The Nassau Lawyer

## CORPORATE HEALTHCARE TRANSACTIONS: AVOIDING CRIMES,

DISMISSALS AND EMBARRASSMENT  
April 1, 2002  
The Nassau Lawyer

## MAXIMIZE DISABILITY INSURANCE, MINIMIZE

MALPRACTICE EXPOSURE WITH PREVENTIVE LEGAL MEDICINE  
June 1, 2001  
N.Y. Hospital & Health News

## E-MAIL E-MERGING E-NORMOUSLY IN LITIGATION

April 1, 2001  
The Nassau Lawyer

## MILLION - DOLLAR RECOVERY IN DISABILITY INSURANCE CASE

HOLDS LESSONS  
June 1, 2000  
N. Y. Hospital & Health News

## 'PAY-WHEN-PAID' REVISITED

March 15, 2000  
New York Law Journal

## HOW TO AVOID LITIGATING DISPUTES IN A FOREIGN,

INCONVENIENT FORUM  
November 1, 1999  
Construction Law

## SURETY'S SUBROGATION RIGHTS REJECTED IN COURT'S LATEST

DECISION ON LIEN LAW  
April 8, 1999  
New York Law Journal

## ANOTHER BOMB EXPLODES IN THE LIEN LAW MINEFIELD

February 11, 1998  
New York Law Journal

## HIGH COURT BOLSTERS LIEN LAW TRUST PROTECTIONS

January 14, 1997  
New York Law Journal

## HAS 'PAY-WHEN-PAID' BEEN LAID TO REST?

January 10, 1996  
New York Law Journal

## THE STATUTORY MINEFIELD OF EDUCATION LAW §3813

September 28, 1994  
New York Law Journal

## Kevin Schlosser Seminars

Speaks at the New York County Lawyers' Association CLE Program

*Noncompetition and Confidentiality Provisions in Employment Agreements: Current Status of the Law in New York and State and National Trends*  
November 4, 2015

Participates in New York State Bar Association's Panel Discussion

An Evening with the Commercial Division Justices  
June 8, 2015

Moderates for American Inns of Court

*Litigation Overload Facing Federal and State Courts-Trying to Stem the Tide & What Makes a Great Commercial Court*  
May 27, 2015

Participates in the State Commercial and Federal Court Round-Up Program

June 4, 2014

Participates on Panel for the Hofstra Law's Moot Court Board

March 13, 2014

Moderates NBI Program

*As Judges See It: Top Mistakes Lawyers Make in Civil Litigation*  
June 7, 2013

Speaks at Nassau Academy of Law Program

*Advice from the Experts: Successful Strategies for Winning Commercial Cases in New York State Courts*  
May 9, 2013

Chairs Civil Action Program at the Theodore Roosevelt American Inn of Court

*Strategies and Techniques of Direct and Cross Examination of Witnesses at Trial*  
February 11, 2013

Participates in the Hofstra Law Intramural Competition

January 24, 2013

Serves as Instructor at the Hofstra Trial Techniques Program

*The National Institute of Trial Advocacy and the E. David Woycik, Jr. Intensive Trial Advocacy Program*  
January 4, 2013

Speaks at Suffolk Academy of Law CLE Program

*Strategies and practical advice for maximizing the effectiveness of each stage of the litigation*  
October 11, 2012

Presents in First Ever Joint Seminar for Appellate Division Justices

April 25, 2012

Presents CLE to Suffolk County Bar Association with the Honorable Emily Pines

*The CPLR in Everyday Practice*  
April 19, 2012

Speaks at the Theodore Roosevelt American Inn of Court at the Nassau County Bar Association

*A Civil Action - Jury Selection*  
February 15, 2012

Speaks at the Alexander Hamilton Inn of Court at Touro Law School

*Alexander Hamilton Inn of Court Program on Injunctions*  
January 24, 2012

Achieving 20-20 Hindsight: Practical Solutions to Avoid Rescission, Unenforceability and Misinterpretation of Your Contracts

June 8, 2011

Presents CLE to ACC-GNY Corporate Counsels

June 8, 2011

## Kevin Schlosser Seminars

Presents CLE on Expert Witness Discovery at Nassau County Bar Association  
June 2, 2011

Speaks at the Nassau County Bar Association  
*E-Discovery: What the Litigator Needs to Know to Avoid Professional Liability*  
June 7, 2010

Presents CLE to Inns of Court  
April 19, 2010

Presents CLE to Inns of Court  
*Undoing the Done: Contract? What Contract?*  
February 3, 2009

Kevin Schlosser Participates as a CLE Instructor at the Annual Meeting at the American Bar Association  
*Zapped! The New and Complex World of E-Discovery*  
August 8, 2008

Presents Seminar for the New York State Bonding Initiative  
*Legal Aspects of Contract Management and Key Issues Regarding Tort Law in the State of New York*  
May 8, 2008

Lectures at Hofstra Law School  
March 20, 2008

Participates at the Federal Civil Practice Update - CLE  
May 15, 2007

Speaks at the Theodore Roosevelt American Inn of Court at the NCBA  
*Inadvertent Waiver of Attorney- Client and Work Product Privileges in the Electronic Age*  
February 8, 2007

Presented CLE with the Honorable Leonard B. Austin to the Westchester Women's Bar Association  
*Electronic Discovery: The New Frontier, An Interactive, Practical Guide to the Latest State and Federal Principles*  
October 5, 2006

Presents Construction Law Seminar  
*Construction Management Training Course*  
July 18, 2006

Speaks at First American Title Company  
*Electronic Evidence in Litigation- the New Frontier*  
May 17, 2005

Speaks at the Theodore Roosevelt American Inn of Court at the Nassau County Bar Association  
*Electronic Discovery*  
May 12, 2005

Speaks at the Nassau County Bar Association  
*Electronic Discovery*  
October 27, 2004

Speaks at the Nassau Academy of Law, Nassau County Bar Association  
*Super Sunday Civil Litigation CLE Program Segment on Electronic Discovery*  
January 11, 2004

Speaks at the Nassau Academy of Law, Nassau County Bar Association  
*Mastering Civil Litigation - Electronic Discovery*  
December 2, 2003

Speaks at the New York State CPA Society  
*What a savvy litigator looks for in a financial expert witness*  
November 24, 2003