

Kevin T. Elkins

SHAREHOLDER

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Kevin Elkins advises clients navigating litigation that can significantly influence their business outcomes. With a focus on practical solutions, he adeptly guides clients through intricate legal challenges.

Kevin's practice spans health care, intellectual property, and commercial litigation. He serves a diverse range of clients, from publicly traded corporations in the health care and life sciences sectors to individuals and closely held companies, all relying on his insights when their stakes are high.

Dedicated to achieving the best outcomes for clients, Kevin aims to resolve cases at the stage that is most advantageous, whether through settlement, mediation, alternative dispute resolution or a full trial. As a result, Kevin has been recognized by The Best Lawyers in America® as "One to Watch" in both Commercial Litigation and Intellectual Property Litigation, and was named to the Mid-South Super Lawyers® Rising Stars list in Business Litigation, Intellectual Property Litigation, Construction Litigation: Business, and Securities Litigation.

Before private practice, Kevin served as a judicial law clerk for the Honorable Thomas W. Brothers in the Sixth Circuit Court for the 20th Judicial District of Tennessee, where he gained invaluable courtroom experience by participating in over 20 jury trials and numerous bench trials. Additionally, during law school, he interned for the Honorable Gary R. Wade, Chief Justice of the Tennessee Supreme Court. When not practicing law, you can find Kevin planning his next scuba diving trip, meticulously caring for his lawn, and perfecting his meat-smoking skills.

Education

- University of Tennessee Winston College of Law (J.D., *magna cum laude*, 2014)
 - Tennessee Journal of Law and Policy, Publications Editor
 - Homeless Pro Bono Project Coordinator
- University of Tennessee (B.A., *cum laude*, 2011)

Bar Admissions

Capabilities

- Health Care Litigation
- Managed Care & Payor Disputes
- Commercial Litigation
- Trademark, Copyright & Branding Litigation

- Tennessee

Court Admissions

- All State Courts, Tennessee
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Western District of Michigan
- U.S. District Court, Western District of Tennessee

Memberships

- The Heimerdinger Foundation, Chair of the Board of Directors
- Nashville Bar Association Young Lawyer's Division, Board of Directors
- Nashville and Tennessee Bar Associations, Member

Recognition

- Selected for inclusion in *The Best Lawyers in America*® "Ones to Watch" for:
 - Commercial Litigation, 2021-2026
 - Litigation-Construction, 2024-2026
 - Litigation-Intellectual Property, 2022-2026
- Litigation Counsel of America, Associate Fellow, 2023-2024
- Named a *Mid-South Super Lawyers*® "Rising Stars," for Business Litigation, Intellectual Property Litigation, Construction Litigation, Business, Securities Litigation, 2019-2024
- Nashville Bar Foundation Leadership Forum, 2020
- Nashville Young Leaders Council, 2019
- Nashville's Top 30 Under 30, Cystic Fibrosis Foundation, 2018

Matters

Health Care

- Represented pain management providers in overpayment dispute against the country's largest insurance company.
- Represented national health care provider in nonpayment and underpayment dispute against the country's largest insurance company.
- Represented a hospital client in multiple Certificate of Need (CON) matters in the state of Tennessee involving freestanding emergency departments, including a two-week trial appealing the denial of a CON.
- Conducted an internal investigation of events surrounding the death of a patient at a behavioral health facility, including interfacing with local law enforcement in its criminal investigation.

Intellectual Property

- Successfully represented an international jewelry company in copyright infringement, trademark infringement, and breach of contract action against a large home shopping

network.

- Successfully represented an international jewelry company in copyright and trademark infringement action against an online reseller.
- Successfully defended a national toy company in federal court against trademark infringement claims by a national manufacturer of radio-controlled vehicles.
- Successfully represented a telehealth provider in trademark infringement action.
- Successfully defended an opposition proceeding before the TTAB in which a national soft drink company sought the cancellation of a local craft brewery's trademark application.
- Obtained a judgment against individuals and their closely held corporations brazenly infringing a national pizza company's trademark rights, including seizure of all infringing signage and advertisements.
- Successfully defended a large restaurant management group against claims of trademark infringement in federal court.
- Successfully resolved an opposition proceeding before the TTAB for a commercial fan manufacturer whose main competitor sought to use and register a confusingly similar trademark.

Commercial Litigation

- Successfully represented publicly traded company in breach of contract action against national IT provider.
- Successfully represented members of an LLC in business divorce against other members.
- Successfully defended a large tile manufacturer against product defect claims.
- Represented several victims of an elaborate Ponzi scheme, resulting in the recovery of several million dollars and ultimately a 10-year federal prison sentence for the Ponzi scheme orchestrator.
- Negotiated the buyout of a lease agreement for a dental practice, paving the way for the practice to construct a new state-of-the-art facility on adjacent land.
- Obtained favorable summary judgment for a national franchisor in the damage restoration industry in a termination case involving Lanham Act, breach of contract, and racial discrimination, including affirmation of the summary judgment at the Sixth Circuit Court of Appeals.