

# Kymerly K. Whitaker

ASSOCIATE

Nashville, TN | 615.252.3945

[kwhitaker@polsinelli.com](mailto:kwhitaker@polsinelli.com)



Kymerly is passionate about communication, strategy and teamwork. Prior to entering the legal field, Kymerly spent several years playing competitive volleyball and managing high-end corporate retail stores, both of which taught her how to be a team player and effective leader. During law school, Kymerly honed these skills as an editor for the American University Law Review, member of the Moot Court Honor Society, and legal intern for the Chairman of the U.S. Senate Judiciary Committee.

After law school, Kymerly began her legal career defending the State of Tennessee as an Assistant Attorney General in the Civil Division and subsequently serving as a law clerk for U.S. District Judge Kristi H. Johnson before joining Polsinelli's Commercial Litigation practice group. As a Polsinelli associate, Kymerly handles all stages of litigation in state and federal courts across the country, many involving complex procedural and jurisdictional issues such as class action certification, justiciability, prudential standing, removal, abstention, equitable principles, sovereign immunity, and other civil and constitutional bars to litigation.

No matter the jurisdiction or stage of litigation, however, Kymerly loves to dig into complicated legal issues to find the best arguments for her clients. Outside the courtroom, Kymerly provides her clients with the strategic, practical advice they need to resolve disputes in a cost-effective manner, working with her clients to understand the structure and function of the organization and how a particular course of action will impact the client's business objectives, both immediately and long-term. Leaving no stone unturned, Kymerly strives to achieve the most effective and efficient results for every client in every matter.

## Education

- American University, Washington College of Law (J.D., *cum laude*, 2018)
- California State University, Northridge (B.A., *cum laude*, 2014)

## Bar Admissions

- Tennessee, 2019

## Capabilities

- Commercial Litigation
- Litigation
- Class Action & Multidistrict Litigation
- Appellate
- Mergers & Acquisitions Litigation

## Court Admissions

- U.S. District Court, Western District of Tennessee
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Eastern District of Tennessee
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Central District of Illinois

## Memberships

- U.S. Commission on Civil Rights, Tennessee State Advisory Committee, 2025-2029
- Family and Children's Service
  - Executive Board
- Nashville Bar Association
- American Bar Association, Litigation Section
- Member of the American Enterprise Institute's Leadership Network
  - Millennial Cohort, 2020
- The Federalist Society for Law and Public Policy Studies
  - Nashville Chapter
- Young Leaders Council
  - Nashville Class 79 Cohort, Fall 2022
- Tennessee Bar Association

## Recognition

- Named one of *Best Lawyers: Ones to Watch® in America* in:
  - Mass Tort Litigation / Class Actions - Defendants, 2026
  - Appellate Practice, 2024-2026
  - Commercial Litigation, 2024-2026

## Matters

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- Successfully represented payment card processor in action for breach of oral contract and negligent misrepresentation in a case involving merchant chargebacks incurred due to the fraudulent use of credit cards accepted over the phone.
- Successfully defended against a motion for attorney's fees when plaintiff sought an unreasonable amount that was greater than the offer of judgment he accepted.
- Drafted a successful motion for summary judgment in an \$8,000,000 case alleging eight counts against multiple payment processing companies.
- Counseled a prominent New York non-profit on the First Amendment rights of protestors and how to create a public relations strategy to combat negative media.
- Defended a New York non-profit against action with the Board of Regents to remove all trustees under the New York Education Law.
- Prepared litigation strategy and advised one of the largest nonprofit health systems on possible litigation strategies to enforce its ownership of a neighboring property based on closing documents.
- Drafted a successful complaint against a subcontractor for professional negligence and breach of contract to recover the cost of the re-design.
- Counseled multiple clients regarding contracts for the sale of goods in breach of

contracts actions.

- Litigated several federal and state interpleader actions to completion for a billion dollar insurance company.
- Performed extensive research and writing projects in support of a high-profile sports law mediation involving three state entities.
- Drafted a successful motion to dismiss a complaint for lack of standing under the Fair and Accurate Credit Transactions Act.
- Negotiate and litigate dozens of consumer arbitrations on behalf of a billion dollar telecommunications company.
- Successfully secured a temporary restraining order and preliminary injunction on behalf of individual and corporate clients in a business divorce action.