



# Keith McKenna

Partner

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## My Approach

I bring a great breadth of knowledge to my practice, and perform in-depth analyses before crafting a course of action that plots our moves several steps ahead. By being highly strategic, I'm able to give my clients practical advice about what is likely to happen and how their matters will unfold, which allows us to eliminate surprises and put the best plan in place from the very start.

## Overview

Known for his ardent advocacy in complex and highly consequential cases, Keith McKenna represents clients in a wide range of general commercial litigation. As counsel for companies in industries including healthcare, manufacturing, telecommunications, sports and entertainment, government services, and real estate, Keith handles a wide-range of commercial disputes in federal and state court actions nationwide. The organizations Keith serves frequently rely on him to represent them in significant insurance coverage litigations and trials that procure damages and declaratory judgments in their favor against U.S. and European property and casualty insurers.

Viewing his clients' issues as his own, Keith always strives to solve their problems efficiently, recover money they're due, and bolster their business interests. With a strong commitment to 24/7 responsiveness and a down-to-earth style, Keith embraces the role of an advisor clients trust and depend on. He is rated AV Preeminent (4.9 out of 5.0) by his peers in Martindale-Hubbell, and is lauded for his skillful case management and sound judgment. One adverse lawyer described him as being among "the finest and most talented lawyers whom I have faced" and another as "true to his word, articulate, and knowledgeable of both the facts and law." In addition, Chambers USA has identified Keith as a ranked policyholder lawyer and notable practitioner in

“high-stakes coverage disputes,” and The Legal 500 notes Keith’s “tremendous skills, dedication, and experience.” Keith is listed as one of Lawdragon’s 500 Leading Litigators in America.

With a keen understanding that risky cases inspire a great deal of client anxiety, Keith exudes a calming presence, particularly in bet-the-company circumstances. He reassures those he serves that they’ve hired the right person for the job, that he will skillfully handle their cases, and that he will put them in the best position to procure the coverage they need to keep their company viable.

## Education

Rutgers School of Law (*JD, Order of the Coif*, 1997)

Rutgers University (*BA*, , 1993)

## Admissions

### Bar Admissions

New Jersey

New York

### Court Admissions

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Second Circuit

U.S. District Court, District of Colorado

U.S. District Court, District of New Jersey

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

## Relevant Experience

- Counsel to **Verizon Communications Inc.** in securing rulings from the Delaware Superior Court that, as a matter of law, Verizon is entitled to recover more than **\$160 million**, incurred in connection with a securities litigation involving the spinoff of certain of its landline business assets to FairPoint Communications, including approximately **\$24 million** in defense costs, **\$95 million** in settlement costs and more than **\$51 million** in prejudgment interest.

- Counsel to **Walmart Inc.** in seeking insurance coverage for **hundreds of millions in defense** costs incurred in defense against thousands of opioid-related lawsuits and for more than **\$3.1 billion in settlements** of certain of those lawsuits.
- Counsel to **Warren Pumps LLC** in a case seeking coverage from more than a dozen insurance companies for thousands of asbestos-related claims. The firm's lawyers secured several high-profile courtroom victories for Warren, including a decisive jury verdict worth hundreds of millions of dollars, and landmark decisions from the New York Court of Appeals on the allocation of long-tail claims and the Delaware Supreme Court on critical issues, including assignment of policy rights and the trigger of coverage, which have allowed Warren to access more than **\$500 million** dollars in asbestos insurance coverage limits.
- Counsel to **Madison Square Garden Entertainment Corp.** ("MSGE") in seeking insurance coverage for derivative and class-action lawsuits brought by various stockholders of MSGE and MSG Networks, Inc. ("MSGN") who are alleging wrongful acts and **millions of dollars** in damages resulting from a transaction in which MSGN merged with a subsidiary of MSGE in July 2021.
- Counsel to **Rafael Holdings, Inc. and Broad Atlantic Associates, LLC** in obtaining insurance coverage for liabilities arising out of lawsuit alleging **tens of millions of dollars in damages** for severe personal injuries sustained by a Rafael employee while working at premises owned by Broad Atlantic.
- Counsel to **AdaptHealth Corp.** in lawsuit seeking D&O insurance coverage for a securities class action and derivative action seeking **hundreds of millions of dollars** in damages for alleged public disclosure violations.
- Counsel to **Revlon, Inc.** in seeking insurance coverage for thousands of claims against Revlon seeking **millions of dollars** in damages allegedly arising out of hair relaxer products that are alleged to have caused certain cancers in underlying claimants.
- Counsel to **TTEC Holdings, Inc.** and its subsidiary in a lawsuit against their crime policy insurer that is pending in Colorado federal court and seeks declaratory relief and **more than \$10 million** in damages for the insurer's breach of contract and unreasonable and bad-faith delay and denial of payment for losses resulting from criminal theft engaged in by certain former employees of TTEC while they were performing services for TTEC's client.
- Counsel to manufacturing company **Pella Corp.** in seeking insurance coverage for more than twenty class actions alleging certain Pella windows were faulty and caused water damage, Keith litigated several novel issues to successful outcomes in Iowa federal Court. In a string of summary judgment rulings that had national impact, Keith procured rulings that defective workmanship can give rise to a covered "occurrence" and that all insurance policies in place from date of window installation could be called upon to provide coverage.

- Counsel to **Verizon Communications Inc.** in securing numerous favorable court rulings and insurance coverage settlements in connection with Verizon's pursuit of insurance coverage for **tens of millions of dollars** in legal fees and costs incurred in successfully defending against a **\$14 billion** lawsuit filed against Verizon in connection with Verizon's spin-off of its directories businesses.
- Counsel to **IDT Corporation** in securing **\$25 million** in defense coverage for IDT in a lawsuit brought by stockholders of a former IDT subsidiary who are alleging that a controlling shareholder of both IDT and a former subsidiary breached his fiduciary duties owed to the former subsidiary in order to benefit IDT's interests.
- Counsel to **Pella Corporation** in litigation pending in the Superior Court of Rhode Island against Factory Mutual Insurance Company ("FM Global") alleging the insurer's breach of contract and bad faith denial of claims for COVID-related business interruption damages. The lawsuit seeks recovery of **tens of millions of dollars** in insurance coverage and raises novel issues of policy interpretation that concern FM Global's unique policy form.
- **Counsel to Conduent, Inc.** in securing monies for investigative and defense costs relating to a **\$260 million** Medicaid settlement.
- Counsel to **Advanced Pain Management Holdings, Inc.**, a healthcare treatment facility operator, in its pursuit of insurance coverage for **millions of dollars** in defense and settlement costs incurred in connection with civil investigative demands issued by the Department of Justice and a qui tam lawsuit. A successful mediation of the matter culminated in a favorable settlement.
- Counsel to **Crystal Windows and Doors, Ltd.** in defending against a declaratory judgment action filed by its insurance company with respect to coverage owed for lawsuit alleging **more than \$10 million** in water-related damages due to alleged defects in manufacture and installation of window curtain wall.
- Counsel to **Philips Electronics North America Corporation and its subsidiary, TH Agriculture & Nutrition LLC**, in an insurance coverage action brought in Cook County, Illinois, against more than 20 insurance companies for coverage of asbestos related liabilities. Plaintiffs ultimately recovered hundreds of millions of dollars.
- Counsel to multibillion-dollar window manufacturer and its subsidiaries in various insurance coverage actions against their general liability insurance carriers. These actions collectively seek to recover millions of dollars in defense and indemnity costs that the window manufacturer and its subsidiaries incurred in connection with underlying class action and individual lawsuits.
- Counsel to a private investment firm that was being investigated by the SEC and DOJ and sought coverage for the costs associated with defending against the investigation, including costs to respond to numerous

subpoenas. As a result of this representation, the investment firm procured coverage for almost all of its defense costs.

- Counsel to another window manufacturer seeking insurance coverage for two underlying class action lawsuits pending against it in California state court, which resulted in a successful settlement in April 2010.

## Recognition and Rankings

- Named one of the 500 Leading Litigators in America by *Lawdragon* in its 2023 and 2024 editions.
- Recognized by *Benchmark Litigation* as a "Litigation Star," 2023
- Rated AV Preeminent (4.9 out of 5.0) by his peers in Martindale-Hubbell
- Winner of National Law Journal's 2020 Trailblazers Award for Plaintiffs' Lawyers
- Ranked in \_\_\_\_\_ in New York for Insurance: Dispute Resolution: Policyholder (Band 3), 2019 - 2023
- Recognized as "Next Generations Partner" - Insurance: Advice to Policyholders by *Legal 500*, 2019-2020
- Recognized by *The Legal 500* as a recommended lawyer in the United States for Insurance: Advice to Policyholders, 2015

## Articles

- Co-author, "Coverage for Defense Costs in Consumer Fraud Actions," Co-author with Robin Cohen and Sheri Hametz, *New York Law Journal* (August 12, 2010)