



## Kent Lambert

Shareholder

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Kent A. Lambert has an active civil trial and appellate practice defending national and international companies in high-stakes, bet-the-company litigation.

Mr. Lambert is office managing shareholder in the New Orleans and Mandeville offices. He previously led Baker Donelson's Business Litigation Group, serving as co-chair in 2019 and chair from 2014 to 2018, for one of the Firm's largest groups that encompasses more than 100 attorneys across 22 offices in 11 states and Washington, D.C.

Mr. Lambert's litigation experience is extensive. For nearly three decades, he has been at the helm of several bet-the-company litigation matters, defending his clients against intentional and non-intentional business torts, contract actions, fiduciary litigation, franchise matters, property and leasehold disputes, and civil RICO actions. Mr. Lambert's clients operate in a variety of industries, including chemical and petrochemical concerns, aggregates, transportation, manufacturing, telecommunications, health care, hospitality, construction, technology, insurance, and real estate.

Throughout his career, Mr. Lambert has also worked with financial institutions, their officers and directors, and bank-affiliated investment professionals in a wide variety of cases, including fraud actions, breach of fiduciary duty cases, lender liability claims, mortgage fraud matters, bank deposit and collection claims, and consumer class action defense, as well as in arbitrations and regulatory proceedings. He also has been involved in matters concerning public records law, as well as federal and state regulatory proceedings and litigation concerning aspects of the telecommunications industry.

Mr. Lambert's philosophy is to begin each case with the core trial team that he expects will see the matter through to the end, fostering efficiency, cohesiveness, and the best possible level of communication with the client, as well as with opposing counsel, court personnel, experts, support vendors, and the like. With the client, Mr. Lambert and the team strategize and prepare for every step and every phase with the expectation that the matter will be tried. This approach allows the team to approach settlement and every other case milestone from the strongest and best-informed position possible.

The former chair of Baker Donelson's eDiscovery and Information Management Group, Mr. Lambert also has extensive experience with eDiscovery management and technologies, data security and privacy matters, and information management and preservation issues.

### Representative Matters

- Ongoing representation of one of the nation's largest aggregates companies in protracted litigation encompassing multiple federal court class actions and individual lawsuits in both state and federal court arising from unprecedented catastrophic subsidence events associated with the at-depth failure of a plugged and abandoned brine mining cavern reaching nearly a mile underground.
- Defended a national bank and residential mortgage lender against allegations of racketeering and fraud-based RICO claims involving acts of mail and wire fraud alleged to have occurred over a long period of time; successfully demonstrated that the plaintiff could not establish facts or provide sufficient evidence of open-ended continuity.

- Successful representation of an international construction, fabrication and engineering concern in litigation before the Eastern District of Washington involving allegations of fraud, gross negligence and construction defects related to the construction of silicon and silicate refining facilities for a subsidiary of a major European solar power concern.
- Successfully defended an international disaster recovery and remediation company in an \$85 million suit in the Middle District of Florida against civil claims asserted under the RICO Act, as well as for fraud, civil conspiracy, tortious interference and related business torts involving alleged conspiratorial misconduct with the plaintiffs' insurers and adjusters, third-party construction managers and others related to property damage claims for nine beach front hotels stemming from hurricanes Charlie, Francis and Jeanne.
- Successfully defended a leading international bond insurer in a suit before the Western District of Louisiana against claims for fraud, conspiracy to defraud, unfair business practices, negligent misrepresentation and other intentional and non-intentional business torts seeking more than \$1.1 billion in damages based on allegations that the insurer, individually and in concert with various investors and other credit insurers, sought to force the plaintiff hospital system into a default on a series of conduit financing bonds used to develop integrated and stand-alone facilities within the plaintiff's system.
- Successfully defended a national bond insurer before the U.S. District Court for the Eastern District of Louisiana and the U.S. Fifth Circuit Court of Appeals against claims brought by a Louisiana hospital over a \$350 million bond issuance alleging bad faith breach of contract, negligent misrepresentation, abuse of right, and related business torts, ultimately prevailing on appeal pursuant to a unanimous three-judge decision affirming the trial court's dismissal of the entirety of the plaintiff hospital's suit with prejudice.
- Successfully represented a leading financial institution against individual and class-wide claims brought on behalf of mortgagors in the aftermath of hurricanes Katrina and Rita in both Louisiana state and federal courts, obtaining involuntary dismissals in eight separate cases.
- Represented a state insurance company in litigation against the Louisiana Department of Insurance, successfully overcoming the department's attempt to place the company into an involuntary receivership.
- Obtained the dismissal of a Kentucky merger bank and its holding company from suit in Louisiana state court alleging negligence by the bank in accepting numerous fraudulent items over an extended period, which facilitated a massive embezzlement scheme.
- Recovered on a multimillion dollar claim on behalf of an interstate gas pipeline company after a critical offshore pipeline was damaged during dredging operations.
- Defended a leading regional bank in a putative class action brought on behalf of customers claiming their automobile loan accounts had been charged excessive amounts for force-placed collateral protection insurance secured by the lender through an alleged "captive" insurance provider.
- Defended a major telecommunications provider accused of sabotaging the plaintiff's proprietary invention in order to promote competing products, ultimately settling the claims after filing a series of potentially dispositive motions.
- Successfully resolved claims pursued over the better part of a decade by RTC/FDIC against various officers and directors for alleged breach of fiduciary duty and related misconduct surrounding the purported post-FIRREA insolvency of a recapitalized thrift that presented novel and complex issues regarding the ability of regulated institutions and their principals and investors to protect contributed real estate assets and operations through bankruptcy and other non-regulatory activities and proceedings.
- Obtained a favorable judgment after a bench trial in a multimillion dollar check fraud suit in Louisiana federal court.

- Defended a leading U.S. professional salon products manufacturer in a hard-fought case against claims of wrongful termination alleging millions of dollars in damages by one of its regional product distributors; ultimately settled very favorably for the client.
- Represented a gas utility in a bench trial in Virginia federal court over the corrosion and failure of underground gas pipeline segments attributed to deficient cathodic protection.
- Defended a gas utility in a two-week jury trial in Louisiana state court against claims by an individual who survived a residential gas explosion with second and third degree burns over more than 80 percent of his body.
- Successfully protected a minority shareholder against a hostile squeeze out attempted by a majority interest holder in anticipation of pursuing an IPO.
- Significant experience litigating TROs and preliminary injunctions in unfair competition, trade secret and consumer lending disputes.
- Prevailed before the Louisiana Court of Appeal, First Circuit in an appeal from a confirmed default judgment with the result that the judgment, which included injunctive relief, declaratory relief, monetary damages, the disqualification of prior counsel, statutory penalties and attorneys' fee awards, was vacated in its entirety because it was rendered without proper notice.
- Obtained a judgment from the Louisiana Court of Appeal, First Circuit on behalf of a bank, vacating a trial court's judgment as null in a residential foreclosure action, after a debtor obtained a default judgment against a bank in an ex parte proceeding, resulting in the bank filing for a new trial, asserting a lack of notice. The circuit court vacated the trial court's judgment because the debtor had failed to send required notice of the date of the entry of the judgment of default by certified mail at least seven days, exclusive of holidays, before confirmation of the judgment of default, as is required by law.
- Prevailed on behalf of multiple mortgage servicers in an action before the U.S. District Court for the Eastern District of Louisiana in a federal civil RICO Act suit brought on behalf of multiple Louisiana parish clerks, related to alleged improprieties involving the recordation and administration of mortgage loan assignments; court dismissed the entire action with prejudice.
- Prevailed on appeal before the Louisiana Court of Appeals, Fourth Circuit, which affirmed the decision of the Civil District Court for the Parish of Orleans, Louisiana dismissing a gross negligence suit against a mortgage servicer related to alleged lender misconduct in the administration of so-called Section 203(k) financing.
- Successfully represented an international magnetics manufacturer in a patent case before the Northern District of California related to the housing design for toroids used in printed circuit board applications.
- Resolved a long-running dispute with the Louisiana Department of Revenue on behalf of a financial services client with co-counsel of Sidley Austin LLP. The dispute involved millions of dollars in corporate and franchise tax assessments related to consumer loans made by affiliates of our client to Louisiana borrowers. We successfully resolved these suits through an offset against tax refund claims by certain of our client's affiliated entities sued by the Department.



## Professional Honors & Activities

- Listed in *Chambers USA: America's Leading Business Lawyers* as a leading lawyer in Louisiana (since 2010)
- Listed in *The Best Lawyers in America*® in Commercial Litigation (2013 – 2022); Mass Tort Litigation/Class Actions - Defendants (2018 – 2022)
- Listed in *Louisiana Super Lawyers* in Business Litigation Law (2013 – 2021); listed as among the top 50 attorneys in New Orleans (2017, 2018); listed as among the top 50 attorneys in Louisiana (2018)
- Recognized as a "Top Lawyer" in Bet-the-Company Litigations by *New Orleans Magazine* (2017 – 2020)
- Recognized by *New Orleans CityBusiness* as a Leader in Law (2014)

- Fellow – American Bar Foundation
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell in Appellate Practice and in Banking & Finance Law (2013 – Present)
- Member – American Bar Association (Section of Litigation, Trial Evidence)
  - Board Member, Book Publishing Committee
  - Former Officer, Council of the Section of Litigation (2013 – 2016)
  - Former Chair, Trial Evidence Committee
  - Former Chair, Pretrial Practice and Discovery Committee
  - Former Vice Chair of the Business Torts Committee
  - Former Associate Editor – *ABA Litigation News*
- Member – Louisiana State Bar Association; U.S. Fifth Circuit Court Bar Association; Bar Associations of U.S. District Courts for the Eastern, Middle & Western Districts of Louisiana
- Former Faculty Member – National Institute of Trial Advocacy
- Member – Louisiana Chemical Industry Alliance



## Publications

- "Tried and True: The Legal Career of Trial Attorney Roy Cheatwood," *Trial Spotlight Newsletter* (December 2019)
- "U.S. Supreme Court Curbs Class Arbitrations" (May 2019)
- "Certification of Class Actions in Louisiana," *58 Louisiana Law Review 1085*, this seminal article has been cited and relied upon numerous times by the Louisiana Supreme Court and Circuit Courts of Appeal (1998)



## Speaking Engagements

- "Navigating Multidistrict Litigation," with the Honorable Sarah S. Vance, United States District Judge for the Eastern District of Louisiana and Chair of the Judicial Panel on Multidistrict Litigation, American Bar Association, Section of Litigation Annual Conference (May 2019)
- "Ethics – Anatomy of a Jury Trial," LSBA 2017 VooDoo CLE Seminar (October 2017)
- "Ethics in the Clouds," Louisiana State Bar Association Annual Meeting and Summer School (June 2015)
- "Miscellaneous Evidentiary Privilege Issues: Timely Topics Borrowed From the Cloud," Evidence seminar for LSBA (December 2012)
- "Guidance Through a Rough and Often Uncharted E-Discovery Terrain," with Magistrate Judge Karla Spaulding, United States District Court, Middle District of Florida, American Bar Association, Section of Litigation Annual Conference (April 2011)



## Education

- Tulane University, J.D., 1993, cum laude
- Denison University, B.A., 1990, magna cum laude



## Admissions

- Louisiana, 1993