

## Paul J. Kennedy

Shareholder

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## Focus Areas

Unfair Competition and Trade Secrets  
Litigation and Trials  
Discrimination and Harassment  
Hiring, Performance Management and Termination

## Overview

Paul Kennedy's primary focus in every aspect of practicing law is exceptional client service. He is dedicated to strategic analysis, seeking practical solutions for clients when feasible, and, when not, aggressively litigating disputes to achieve favorable outcomes. He well understands that responsiveness and partnering with clients is critical to solid and enduring business relationships.

With more than 40 years of experience, Paul is a trial lawyer first, who has experience with a wide range of employment issues, including intellectual property protection, enforcement of restrictive covenants, terminations, reductions in force, leave issues, wage disputes, investigations, and employee theft, among others.

Paul is widely regarded for his knowledge of noncompetition and trade secret law. He regularly litigates cases involving breach of restrictive covenants, employee raiding, and theft of trade secrets. Paul both prosecutes and defends clients in unfair competition disputes. He has obtained awards of:

- \$4 million in an employee-raiding case on behalf of a nationwide mortgage company involving the departure of 26 employees to a competitor
- \$2.5 million against a former employee of a legal placement firm for theft of trade secrets
- \$1.5 million against three former employees of an international staffing company for violation of noncompete and nonsolicit restrictions in employment agreements and incentive investment plans

- \$1.2 million in damages (later modified on appeal) and attorneys' fees against the sellers of a company in a sale-of-business noncompete dispute on behalf of an insulation service company owned by a Fortune 500 manufacturer of products for the home improvement and new home construction markets

Paul has litigated jury trials to obtain favorable decisions defending against attempts to recover damages for violations of restrictive covenants on behalf of clients including a leading global aerospace company and a large government contractor involved in national security and technology.

He has handled multiple injunction proceedings over these claims, both defending and prosecuting. On the prosecution side, he has convinced courts to enforce noncompete and nonsolicit restrictions against former employees, including senior executives, on behalf of a variety of companies, including, for example, a national financial services company, an international staffing company, and a nationwide automobile retailer.

He is counsel in numerous reported opinions that have defined unfair competition law in multiple jurisdictions, including Maryland and Virginia. He also has drafted and negotiated various contracts, including employment, confidentiality and proprietary rights, and assignment of invention agreements. He has written and spoken extensively on issues relating to restrictive covenants, protection of trade secrets, and employee theft of proprietary information. A practiced and engaging public speaker, Paul is a frequent and able communicator at industry conferences and functions.

Paul also has substantial experience litigating a broad spectrum of cases involving claims such as:

- Discrimination based on sex, race, national origin, age, religion, disability and pregnancy
- Sexual harassment
- Retaliation (including whistleblowing)
- Defamation, tortious interference claims, and other employment torts

He also regularly advises employers on federal and state employment laws and provides training on a variety of workplace topics. He has represented clients in a wide variety of industries including financial services, staffing, technology, retail, insurance, hospitality, healthcare, transportation, and pharmaceuticals.

Paul is a member of the Shareholder Compensation Committee and has served multiple terms on Littler's Board of Directors, including as Chair of the Board Compensation Committee responsible for setting compensation of the Firm's Managing Directors. Paul is also former co-Chair of Littler's Unfair Competition and Trade Secrets Practice Group.

Paul has also been listed in Washingtonian Magazine's "Best Lawyers" edition (2011-2012, 2013-2014, 2015-2016, 2018) as one of the top lawyers to represent employers, and in 2022 was honored by Washingtonian as a "Hall of Fame" member for lifetime career achievement.

## Selected Matters

Paul has numerous reported decisions that show the depth of his experience, particularly in unfair competition matters. Some examples include:

- *Allegis Grp., Inc. v. Jordan*, 2018 U.S. Dist. LEXIS 38524 (D. Md. March 8, 2018) (summary judgment awarded in prosecuting claims for breach of noncompete and nonsolicit covenants)
- *TEKsystems, Inc. v. Bolton*, 2010 U.S. Dist. LEXIS 9651 (D. Md. February 4, 2002) (summary judgment awarded in prosecuting breach of noncompete covenant)
- *Western Insulation, LP v. Moore*, 316 Fed. Appx. 291 (4th Cir. 2009) (trial judgment affirmed in prosecuting breach of sale-of-business noncompete)
- *Pittsburgh Logistics Sys. v. LaserShip, Inc.*, 2019 U.S. Dist. LEXIS 98470 (W.D. Pa. June 12, 2019) (motion to dismiss granted in defending noncompete claim)
- *Padco Advisors, Inc. v. Omdahl*, 185 F. Supp. 2d 575 (D. Md. 2002) (summary judgment awarded in defending trade secret claim)
- *Wells Fargo Home Mortg. v. Devereaux*, 2006 U.S. Dist. LEXIS 92718 (E.D. Va. December 22, 2006) (motion to dismiss denied in prosecuting employee non-solicit).
- *Brainware, Inc. v. Mahan*, 808 F. Supp. 2d 820 (E.D. Va. 2011) (motion to dismiss granted in part and denied in part in defending noncompete claim)
- *Nnadozie v. Manorcare Health Servs., LLC*, 2016 U.S. Dist. LEXIS 163810 (D. Md. November 28, 2016) (summary judgment awarded in defending race discrimination, retaliation, and hostile work environment case)
- *Martinez v. P.R. Fed. Affairs Admin.*, 813 F. Supp. 2d 84 (D.D.C. 2011) (summary judgment awarded in defending sexual harassment claim)

## Recognition

- Named, "Hall of Fame," Washingtonian Top Lawyers, *Washingtonian Media*, 2022
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, The Best Lawyers in America®, 2020-2025
- Recipient, Client Service All-Star Award, *BTI Consulting Group*, 2022, 2024
- Recommended, Labour & Employment, *Who's Who Legal*, 2024
- Twenty Year Milestone, Littler Shareholder, 2022
- Named, Super Lawyer, Washington, DC, *Super Lawyers*, 2015

## Education

J.D., Washington and Lee University, 1984

B.A., Colgate University, 1981, *With Honors*

## Bar Admissions

District of Columbia  
Virginia

## Courts

U.S. Court of Appeals, 4th Circuit  
U.S. Court of Appeals, 5th Circuit  
U.S. Court of Appeals, D.C. Circuit  
U.S. District Court, District of Columbia  
U.S. District Court, Eastern District of Virginia  
U.S. District Court, Western District of Virginia  
U.S. District Court, District of Maryland

## Publications & Press

### **Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

### **Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

### **Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

### **Littler Elects Five New Members to Board of Directors**

*Littler Press Release*

January 30, 2019

### **The Transformation of the Workplace Through Robotics, Artificial Intelligence, and Automation**

*Littler Report*

August 4, 2016

### **D.C. Court Addresses Inevitable Disclosure Doctrine for the First Time, Leaves Open Possibility for Future Use in Trade Secret Litigation**

*Littler ASAP*

March 17, 2014

**Virginia Supreme Court Reverses Dismissal of Non-Compete Case, Emphasizing Need for Case-by-Case Analysis**

*Littler Insight*

September 25, 2013

**6 Tips To Maximize Noncompetes' Enforceability**

*Law360.com*

July 26, 2013

**Federal Court Finds Choice of Law that Permits Blue Penciling Does Not Violate Virginia Public Policy**

*Littler ASAP*

January 23, 2013

**Young Love: Littler Attorneys Offer Tips for Keeping on-the-job Summer Romances from Overheating**

*Littler Press Release*

July 25, 2005

**How Not to Hire Employees From a Competitor**

*Littler Insight*

April 30, 2005

## **Speaking Engagements**

**New Noncompete and Nonsolicitation Rules: The Altered Legal Landscape in Virginia, D.C. and Maryland**

Tysons Corner, VA

November 17, 2021

**What's Yours is Mine, and What's Mine is Mine: The Latest on Protecting Company Trade Secrets, Non-Competes, No Poaching Agreements and Other Protections**

2018 Mid-Atlantic Employer Conference, Washington, D.C.

June 5, 2018

**The New Federal Trade Secret Legislation: Learn What You Need To Do Under The Act**

May 19, 2016

**Noncompetes & Trade Secret Protection: An Employer's Guide To A Big Year of Change**

Boston, MA

September 25, 2015

**Noncompetes & Trade Secret Protection: An In-House Counsel's Guide To A Big Year Of Change**

Tysons Corner, VA

June 3, 2015

**Unfair Competition Litigation and Electronic Information: Proactive Measures to Protect Your Secrets and Navigate Electronics**

Chicago, IL

March 5, 2014

**A Roadmap for Hiring Competitors' Employees and Preventing Theft of Trade Secrets**

Tysons Corner, VA

October 15, 2013

**Employee Raiding and Other Recent Non-Compete Developments**

Tysons Corner, VA

November 14, 2012

**Developments in the Protection of Trade Secrets and Business Goodwill**

Mc Lean, VA

November 18, 2010

**Higher Education Employment Law: A Comprehensive Perspective**

Philadelphia, PA

February 25, 2008