



## BRIAN E. KAVENEY

**PARTNER, INDUSTRIAL SECURITY PRACTICE LEADER**

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A former U.S. Marine Corps infantry captain and member of the Secretary of the Navy's staff, Brian Kaveney brings unparalleled dedication and strategic insight to his legal practice. He is recognized for his "outstanding achievement and substantial contributions to the success of a company," and serves clients both domestically and internationally. He is the founder and leader of the firm's Industrial Security practice area and focuses his practice on the areas of industrial security, investigations, litigation, outside corporate counsel guidance and government contract challenges.

Brian's proactive stance and training to anticipate problems and craft solutions that aim to meet business objectives and maximize company value significantly distinguish him from other legal professionals. He is a trusted advisor to general counsel, boards of directors and corporate counsel. His foresight and strategic approach make him an invaluable asset when crucial matters are at stake.

**Industrial Security:** Brian has earned a national reputation for providing trustworthy, efficient counsel to clients in industrial security issues. Focusing on matters involving Foreign Ownership Control or Influence (FOCI), he guides companies through the process with the Defense Counterintelligence and Security Service (DCSA) to obtain and maintain a facility clearance (FCL). Clients rely on Brian and the industrial team to make informed decisions as they navigate the FCL process from start to finish including the mitigation of FOCI. Brian also provides guidance on FCL issues such as invalidation, personnel clearance (PCL) issues, SF 86 legal review, individual clearance cases, government contract disputes, and hearings before the Defense Office of Hearings and Appeals (DOHA).

He employs a disciplined, practical approach advocating strong prevention solutions and collaboration with the U.S. Government to avoid disruptions such as costly delays or enhanced scrutiny from certain agencies of the Department of Defense (DoD), including DCSA. Brian also routinely assists contractors in developing and maintaining robust insider threat programs to comply with applicable regulations and protect organizational assets.

**Investigations:** Brian regularly conducts investigations for businesses, higher education institutions and government agencies to mitigate risk, identify key issues, maintain or restore compliance, and resolve regulatory disputes before charges are filed. He has conducted high-profile investigations as selected by the governors of Illinois and Missouri into conditions at veterans' homes with regard to the COVID-19 pandemic.

**Litigation:** An experienced trial attorney, Brian has conducted trials in federal and state

### SERVICES AND INDUSTRIES

Industrial Security and Security Clearance

Governance and Compliance

Government Contracts

Government Relations and Public Policy

Internal Investigations and Regulatory Compliance

Litigation

Outside Corporate Counsel

Noncompete and Trade Secrets

Corporate

Manufacturing and Innovation

Technology

Education

Private Equity and Venture Capital

### ADMISSIONS

Missouri

Illinois

U.S. District Court, Eastern District of Missouri

U.S. District Court, Southern District of Illinois

courts, as well as arbitrations and administrative hearings across the U.S. His thoughtful, aggressive approach results in a succinct, clear theme that resonates with clients, juries and seasoned judges. When litigation cannot be avoided, Brian represents clients in a wide range of matters, including breach of contract, noncompete agreements, trade secrets, confidentiality and fiduciary duty matters, shareholder disputes and employment matters.

**Outside Corporate Counsel:** Brian serves as outside corporate counsel to companies across the country, including foreign companies who have established successful operations in the U.S. He advises companies about issues such as corporate governance, efficient processes to prevent disruption, and various hurdles such as dual citizenship and required visas. He also orchestrates joint ventures involving multinational entities and transactions.

**Government Contract Challenges:** Brian works to ensure clients anticipate changing policies and procedures within the U.S. Government, particularly the DoD. He guides privately held entities, foreign-owned entities and publicly traded companies in maintaining and adhering to the appropriate rules, regulations and unique procedures. He has coordinated several successful novations under significant time constraints that required coordination across multiple agencies.

## EDUCATION

- Saint Louis University School of Law (J.D., 2005)
- College of the Holy Cross (B.A., *cum laude*, 1998)
  - History, Departmental Honors
  - French Honor Society, Member
  - Alpha Sigma Nu – National Jesuit Honor Society

## PROFESSIONAL ACTIVITIES

- The Society of Industrial Security Professionals (NCMS) (Ethics Committee, 2013-2020)
- National Institute for Trial Advocacy, Building Trial Skills Intensive Training (2020)
- National Defense Industrial Association (NDIA)
- The Missouri Bar
- Illinois State Bar Association
- Lawyers Association of St. Louis
- Missouri Organization of Defense Lawyers
- American Society for Industrial Security
- Law360 Government Contracts Editorial Advisory Board (2020)

## CHARITABLE AND CIVIC INVOLVEMENT

- Injured Marine Semper Fi Fund (Adviser)
- Focus Marines Foundation - Serving Wounded Warriors (Adviser to the Board)
- USO of Missouri Inc. Young Leaders Board (Founder and Former Member)
- Missouri Friends of Injured Marine Semper Fi Fund (Former Board Member)
- Marine Corps—Law Enforcement Foundation (Former Committee Member)
- Kids in Motion (Former Committee Member)
- Rebuilding Together—St. Louis

## ACCOLADES

- *The Best Lawyers in America*®; Military Law (2020-present)
- [St. Louis' Top Veterans in the Workplace](#), *St. Louis Small Business Monthly* (2022)
- Recognized with a Law360 Distinguished Legal Writing Award from Burton Awards for [“How Employers Can Mitigate Insider Threats”](#) (2018)
- One of 163 attorneys under 40 selected for the Law360 national Rising Star list in Aerospace and Defense (2014)
- *Missouri/Kansas Super Lawyers*®, Rising Star (2013-2016); *Super Lawyers*®, Business Edition
- Received 2013 Society Award from the Society of Industrial Security Professionals (NCMS)
- Recognized as a 40 Under 40 honoree by the *St. Louis Business Journal* (2013)
- Named an “Up and Coming Lawyer” by *Missouri Lawyers Weekly* (2008)
- Board of Governors of the Marine Corps Association Award, Captain and Honor Graduate (1998)

## LANGUAGES

- French (conversational)

## EXPERIENCE

### **Advised Defense Contractor in U.S. Government Inquiry**

Successfully advised a defense contractor in connection with a U.S. Government inquiry, pre-award.

### **Obtained TRO and Preliminary Injunction in Noncompete Case**

Obtained a temporary restraining order and preliminary injunction in federal court for a company against several defendants regarding the violation of noncompete and nonsolicitation covenants and the use of trade secrets in violation of the Defend Trade Secrets Act. Resulted in the return of and destruction of confidential information, a complete victory against the defendants, and favorable resolution of the case.

### **Selected to Assist OIG DHS as Directed by IL Governor in Investigation of Veterans'**

## **Home**

Selected to assist the Office of the Inspector General for the Department of Human Services (OIG DHS), as directed by Illinois Gov. J.B. Pritzker, in conducting an investigation into the Fall 2020 COVID-19 outbreak at the LaSalle Veterans' Home in LaSalle, Illinois, and in preparing a summary report. To ensure the investigation considered all relevant information, the investigative team spoke with Home personnel, including management and front line staff. In addition, the investigative team interviewed officials with the Illinois Department of Veterans' Affairs, the Illinois Department of Public Health, and the U.S. Department of Veterans Affairs, and reviewed hundreds of documents.

## **Led Governor-Ordered 35-Day Investigation of Missouri Veterans Homes After COVID-19 Outbreak**

Selected to conduct a rapid, independent, external review of seven Missouri Veterans Homes – as ordered by Gov. Michael Parson – to assess their performance and identify what steps, if any, should be taken to improve their management and prevention of COVID-19. Led a 35-day investigation that considered all relevant information, including interviewing 174 individuals including Missouri Veterans Commission (MVC) staff, Veterans, Veterans' families and Missouri government officials; implementing a hotline staffed by attorneys for Veterans' families to voice concerns; reviewing and analyzing hundreds of documents; directing a management and consulting organization serving clients in the long-term care and post-acute care industry, to conduct on-site audits of all seven Homes, following all necessary safety protocols; and issuing early recommendations to the MVC. Compiled and delivered a 53-page summary report and a comprehensive 415-page report, including recommended corrective actions, to state officials.

## **Sale of Government Contractor to Multinational Company**

Advised a longtime client, a government contractor, in connection with the successful sale of its business to a multinational company.

## **Mitigation of FOCI Concerns for Facility Clearance Company**

Successfully mitigated Foreign Ownership, Control or Influence (FOCI) concerns for facility clearance-eligible companies related to specific country in Europe. Involved negotiations abroad as well as issues with Defense Counterintelligence and Security Agency (DCSA), the U.S. Government agency that regulates companies that handle classified information.

## **Favorable Outcome for Executive for one of the Top Six Defense Contractors in the World**

Successfully convinced the Defense Office of Hearings and Appeals (DOHA) to find in favor of an executive facing the revocation of his clearance due to inaccurate information provided by a medical provider.

## **Criminal Investigation Results in No Charges Filed**

Represented client in federal criminal investigation of violations of federal commercial statutes by company and its officers, resulting in no charges filed against client.

## **Defeated Bid Protest of \$320 Million Contract Award**

Successfully defeated bid protest of a national intelligence agency contract award worth more than \$320 million over 10 years. When an unsuccessful bidder brought a U.S. Small Business Administration (SBA) protest against our client's receipt of a valuable

government contract, we rapidly delivered persuasive and detailed arguments and evidence to the SBA, defeating the protest completely.

#### **Mitigation of FOCI Concerns for Facility Clearance Eligible Companies**

Successfully mitigated Foreign Ownership, Control or Influence (FOCI) concerns for facility clearance eligible companies related to Sweden, Germany, Canada, Japan, Norway, Finland, India, Slovakia and the United Kingdom.

#### **Resolved Significant Regulatory Issue After Entity Invalidated by DSS**

Resolved a significant regulatory issue for a large publicly traded company after the newly acquired entity was invalidated by the U.S. Government (Defense Security Service).

#### **Strategic Planning for Client in Real Estate Litigation**

Implemented a strategic plan for a significant real estate dispute when a seller attempted to seek a higher offer from a new buyer. Quickly filed a lis pendens and obtained records from various electronic sources to demonstrate that the seller, including multiple members of a trust, had indeed agreed to sell the property to our client. Obtained money for the client due to the disruption to the client's business.

#### **Withdrawal of Statement of Reasons Related to First-Time Security Clearance Applicant**

Convinced the Defense Office of Hearings and Appeals to withdraw a Statement of Reasons issued to a first-time security clearance applicant alleging concern under Adjudicative Guidelines B and C related to India.

#### **Obtained Judgment in Breach of Contract Case for Former Senior Executive**

Won a breach of contract claim for a former senior executive against a publicly traded company and obtained a total judgment, including an award of attorney's fees amounting to more than \$500,000.

#### **Representation for Client in Billing, False Claims Allegations**

Represented a major defense contractor in an investigation by the U.S. Attorney's Office and the Defense Criminal Investigative Service into allegations of improper billing and false claims. The matter was abandoned by the government after an extensive investigation. Presented significant, compelling evidence to demonstrate that the defense contractor had acted properly given the urgent need for the product by our warfighters.

#### **Seven-Figure Judgment in Shareholder Dispute for Physicians**

Won a high seven-figure judgment, including sanctions, at trial regarding a shareholders' dispute on behalf of three physicians against a former partner and medical practice.

#### **Seven-Figure Judgment in Shareholders' Dispute**

Won a high seven-figure judgment, including sanctions, in a trial of a shareholders' dispute on behalf of three shareholders against a former shareholder.

#### **Won Noncompete Case for National Staffing Company**

Won a noncompete case on behalf of a publicly traded, national staffing company against a former top salesperson, obtaining an injunction and monetary damages.

#### **Dismissal of Claims Against Transportation Client**

Obtained dismissal of all claims in U.S. District Court for the Eastern District of Missouri against a transportation company client. The plaintiff sought to prevent our client from providing transportation services for the 2009 Major League Baseball All-Star Game. The

Court granted our motion to dismiss, stating the plaintiff failed to state a claim upon which relief could be granted, and declined to exercise supplemental jurisdiction over plaintiff's state law claim for alleged unfair bidding practices.

#### **\$1 Million Judgment in Breach of Contract Case**

Won a judgment for retail client amounting to nearly \$1 million, including attorneys' fees, interest and costs, in a breach of contract case against a national publicly traded retailer.

#### **Six-Figure Verdict After One-Week Jury Trial**

Won a six-figure verdict in a civil conspiracy/fraud/breach of contract case, including punitive damages, for a construction company after a one-week jury trial.

## **THOUGHT LEADERSHIP**

2020

#### **Staying Competitive: Addressing CMMC Risks Before it's Too Late**

NCMS Bulletin

April 5, 2017

#### **St. Louis Litigation Attorney Brian Kaveney Co-Authors Article on Mitigating Insider Threats, Earns Burton Award**

ACC Docket

2010

#### **The Common Interest Rule: May Parties Whose Interests Are Aligned Protect Their Coordinated Legal Strategy From Adversaries?**

Journal of the Missouri Bar, Vol. 66, No. 1

November-December 2006

#### **Missouri Tort Reform**

Journal of the Missouri Bar

## **EVENTS**

June 6-8, 2023

#### **What You Need to Know: The Latest Security Legal Updates**

*NCMS 59th Annual Training Seminar*

November 3, 2022

#### **Investigations – Best Practices for Security**

*2022 ASIS St. Louis Seminar*

October 20, 2022

#### **What You Should Know: Latest Security Legal Updates and 32 CFR 117**

*NCMS Multi-Chapter Virtual Training*

2021

**New Legal Duties of Senior Management Officials under the National Industrial Security Program (NISP)**

*Washington, D.C.*

2021

**2021 Legal Update for Security Professionals**

*57th Annual NCMS Training Seminar*

2021

**Legal Impacts of SEAD 3 Enforcement and NISPOM Federal Rule**

*Washington, D.C.*

2020

**Empowering the Facility Security Officer (FSO)**

*Denver, Colorado*

2020

**Legal Update for NISPOM Security Professionals**

*National webinar*

2019

**Preventing the Five Ways Facility Security Officers Get Sued**

*National webinar*

2019

**Mitigating Risks of DoD Continuous Evaluation (Vetting) Programs**

*Washington, D.C.*

2019

**Legal and Contract Risks of DoD's Deliver Uncompromised Initiative**

*NCMS Pacific Northwest Chapter (Washington)*

2019

**Current Industry Impacts of DoD's Continuous Evaluation Programs**

*Denver and Colorado Springs, Colorado*

2019

**Industrial Security Law in 2020**

*55th Annual NCMS Training Seminar (Missouri)*

2019

**Four Emerging Issues Affecting Defense Security Service (DSS) Regulatory Enforcement**

*Annual NCMS Chapter Chairs Meeting*

2018

**Defending an Insider Threat Program to Legal and Human Resources Departments**

*ASIS Global Security Exchange (GSX) (Nevada)*

2018

**New Responsibilities and Risks: 2018 Industrial Security Legal Update**

*54th Annual NCMS Training Seminar (Texas)*

2018

**Personnel Security Legal Update and Case Reviews**

*National webinar*

2018

**Key Insights for Training, Reporting, and Mitigating under the New Adjudicative Guidelines**

*Kansas University*

2018

**Impact of the New Adjudicative Guidelines on Facility Security Officer Responsibilities**

*19th Annual Mid-South Security Seminar (Alabama)*

2018

**Security Incident Reporting under the New Adjudicative Guidelines**

*NCMS New England Chapter (Massachusetts)*

2018

**Evaluating and Reporting Adverse Information under the New Adjudicative Guidelines**

*Tri-Chapter Security Seminar (Pennsylvania)*

2017

**Facility Security Officer (FSO) reporting requirements under the new Adjudicative Guidelines for Determining Eligibility for Access to Classified Information**

*Arizona Fall Security Symposium*

2017

**Inside the Sealed Envelope: What the Best FSOs Know About Defending Security Clearances**

*53rd Annual NCMS Training Seminar, California*

2016

**Effective methods to reduce legal risks during security operations and internal investigations**

*Gateway Security Expo, Missouri*

2015

**Why AI? Legal Consequences of Adverse Information Reporting**

*NCMS 51st Annual Training Seminar*

2014

**Do You Have an Edward Snowden in Your Ranks?**

*ASIS International St. Louis Chapter's Second Annual Security Seminars and Expo, NCMS*



## **NEWS**

August 18, 2022

**130+ Armstrong Teasdale Lawyers Named 2023 Best Lawyers in America®, Ones to Watch**

August 19, 2021

**Over 120 Armstrong Teasdale Attorneys Recognized as 2022 Best Lawyers in America®**

January 14, 2021

**Armstrong Teasdale Named 2020 Precision Partner Award Recipient by T-Kartor USA**

March 11, 2020

**Law360 Names Armstrong Teasdale Attorney to Editorial Advisory Board**

December 1, 2016

**Attorney Brian Kaveney Featured in Super Lawyers Magazine**

November 10, 2016

**Industrial Security Managers Should Consider Annual Security Clearance Eligibility Data**

January 22, 2016

**New Federal Background Check Office to Take Over Investigations of Cleared Contractors**

June 22, 2015

**U.S. Jobs Agency Thwarts 10 Million Hacks a Month, Director Says**

April 14, 2014

**Brian Kaveney Selected as a Law360 Rising Star**

June 25, 2013

**Brian Kaveney Receives Society of Industrial Security Professionals 2013 Society Award**

June 18, 2013

**DOHA Judge Rules for AT Client in Security Clearance Case**

February 27, 2013

**Brian Kaveney Joins Society of Industrial Security Professionals Ethics Committee**