



## 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 founded and leads the firm's Industrial Security practice area, which serves clients across the U.S. and the globe. His practice focuses on the areas of industrial security, investigations, litigation, outside general counsel guidance, and government contract challenges.

**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. Clients rely on Brian to provide guidance on facility clearance and personnel clearance (PCL) issues, 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 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 General Counsel:** Brian serves as outside general counsel to companies across the country, including foreign companies who have established successful operations in

### 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 General 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

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 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

## 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

### **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.