



KEVIN W. PREWITT

PARTNER

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Kevin Prewitt, a member of the firm's Litigation practice group, focuses on many types of legal matters, including employment, insurance coverage, real estate, personal injury, franchise and class action cases including collective and class actions under the Fair Labor Standards Act and Telephone Consumer Protection Act (TCPA), and related Missouri statutes. His experience includes multiple jury trials under the Missouri Human Rights Act and defending franchisees, manufacturers, and real estate brokers and agents against claims brought under the Missouri Merchandising Practices Act and Kansas Consumer Protection Act. He has also defended against class claims alleging the use of an automatic telephone dialing system and litigated disputes regarding consent under the TCPA.

In the area of employment litigation, he defends employers against claims pursuant to the Missouri Human Rights Act and Title VII. His experience includes the successful defense of one of the largest anesthesiologist practice groups in the Midwest against alleged fraud under the federal False Claims Act.

Kevin has second-chaired multiple jury trials throughout his career and is well-versed in all phases of discovery, trial preparation, and negotiation of settlements.

EDUCATION

- University of Missouri-Kansas City School of Law (J.D., *magna cum laude*)
 - UMKC Law Review (Board Member and Comment Editor, 2012-2013; Staff Member, 2011-2012)
 - Joseph E. Stevens, Jr. Memorial Prize for outstanding legal writing by a first year law student, CALI Excellence Awards for Introduction to Law II & Advanced Legal Writing: Business Contract Drafting
 - The Urban Lawyer (Staff Member, 2011-2012)
- University of Missouri (B.A., *magna cum laude*, 2006)
 - Art History, Classical Studies
 - Athletic Video Department
 - University Honors, Departmental Honors
 - University of Missouri Club Ice Hockey Team
 - Phi Beta Kappa Society
 - Museum Docent

ACCOLADES

SERVICES AND INDUSTRIES

Class Action Litigation
Employment and Labor
Franchising and Distribution
Government Relations and
Public Policy
Litigation

ADMISSIONS

Missouri
Kansas
U.S. District Court, District of
Kansas
U.S. District Court, Western
District of Missouri
U.S. District Court, Eastern
District of Missouri
U.S. Court of Appeals, Eighth
Circuit

- Completed the Kansas City Missouri Bar Association's Ross T. Roberts Trial Academy
- [Missouri/Kansas Super Lawyers](#)², Rising Star (2016-present)

BACKGROUND

Kevin was a law clerk before joining the firm fulltime. Prior to his legal career, he was an operations analyst in the transportation and logistics industry.

EXPERIENCE

Obtained Defense Verdict for School District on Discrimination, Retaliation Claims

Obtained a full defense jury verdict in Jackson County, Missouri, circuit court for a school district on claims of race and disability discrimination and retaliation under the Missouri Human Rights Act, and retaliation under Missouri's public employee whistleblower protection statute. The plaintiff, who had been terminated from employment following discovery of time fraud, sought more than \$500,000 in damages.

Summary Judgment for Life Insurance Company Relating to \$1.5 Million Death Benefit

Secured summary judgment for a life insurance company alleged to have wrongfully denied a \$1.5 million death benefit by demonstrating that the purported beneficiary waived any claim to the death benefit through a marriage settlement agreement.

Defense Verdict in Discrimination, Retaliation Case

Obtained a defense verdict in a Jackson County, Missouri jury trial on claims of race, gender, and national origin discrimination and retaliation. The plaintiff alleged that she did not receive a new contract as a school vice principal after making complaints of retaliation under the Missouri Human Rights Act.

Defense Verdict in Jury Trial for School District

Obtained a defense verdict in a Jackson County, Missouri jury trial in favor of our client, a school district. The plaintiff alleged reverse race discrimination, harassment and retaliation related to his termination as a constructive services department manager. The court entered summary judgment on the harassment and retaliation claims just before trial. The jury returned a unanimous defense verdict on the reverse discrimination claim.

Summary Judgment on Judicial Estoppel Grounds in Discrimination, Retaliation Case

Obtained summary judgment in the Circuit Court of Jackson County, Missouri, on judicial estoppel grounds to prevent a client's former employee from proceeding with claims of discrimination and retaliation under the Missouri Human Rights Act. We persuaded the court that the plaintiff's failure to disclose the underlying charges of discrimination during his earlier Chapter 13 bankruptcy action constituted an inconsistent statement that prevented him from asserting such claims going forward.

Compelled Arbitration in Putative Class Action Against Consumer Website

Represented a consumer home services website in U.S. District Court for the Eastern District of Missouri against allegations by the plaintiff, on behalf of a putative Missouri class, of Telephone Consumer Protection Act violations. We successfully compelled arbitration of all claims pursuant to the arbitration provision in the website's terms of

use.

Summary Judgment for Restaurant Client on Title VII Claims

Obtained summary judgment on Title VII claims in Kansas federal court for client in restaurant industry. The plaintiff alleged race discrimination, harassment and retaliation, and sought \$225,000 in damages.

Defense Verdict Regarding Unpaid Overtime Allegations

Secured a defense verdict in a Jackson County, Missouri, jury trial regarding a former employee's allegations of unpaid overtime, in violation of the Missouri Minimum Wage Law.

Missouri Human Rights Act Trial Work

Tried several Missouri Human Rights Act cases to juries in the Circuit Court of Jackson County, Missouri, including claims of age, race, gender and disability discrimination; race and age retaliation; and age and disability harassment/hostile work environment.

Summary Judgment in \$850,000 Employment Contract Dispute

Obtained summary judgment in Missouri state court on behalf of an employer in the Health Care and Life Sciences field. A former employee had sought over \$850,000 in alleged unpaid bonuses.

Defense Verdict for Insurance Client

Obtained a defense verdict for our insurance client following a three-week trial. The plaintiff sought \$3.1 million related to a consent decree where it agreed to clean up soil and groundwater contamination from a manufacturing site. The insurers asserted that the plaintiff knew about the contamination for decades and did not properly notify its insurers, and that prior claims had been made associated with the contamination without proper notice. The jury found in favor of the insurers on all claims.

Summary Judgment in Qui Tam Action Alleging Medicare Fraud

Obtained summary judgment on behalf of health care client in a qui tam action under the False Claims Act. In this case, the whistle blower sought over \$1 billion, based on all claims submitted. The judgment, regarding allegation of Medicare fraud, was successfully defended on appeal.

Dismissal of Suit for Public Entity in the Education Industry

Won a dismissal after removal to federal court on behalf of a public entity and its employees for failure to exhaust administrative remedies with proper administrative agency.

Preliminary Injunction in Discrimination Investigation Matter

Obtained a preliminary injunction order in federal court enjoining the Missouri Commission on Human Rights from investigating allegations of discrimination filed against client.

Defense of Franchisee Against MMPA Claims

Successfully defended a franchisee oil change service against claims under the Missouri Merchandising Practices Act.

THOUGHT LEADERSHIP

December, 2017

Missouri Court Recognizes Sex-Based Stereotypes as Form of Sex Discrimination

Missouri Employment Law Letter

May, 2017

MO Employer's Absence Policy Not Enough to Defeat Unemployment Claim

Missouri Employment Law Letter

January 5, 2017

Attorneys Write Series on Life Insurance Clauses for DRI Newsletter

DRI Newsletter

December, 2016

Kansas Law Regarding Suicide Exclusions to Life Insurance Policies

DRI Life, Health and Disability Newsletter

August, 2015

Municipal Employment Contracts that Don't Meet Certain Requirements are Unenforceable

Missouri Employment Law Letter

2015

Misrepresentation in the Life, Health and Disability Insurance Application Process: A National Survey

Kansas Chapter, 2nd ed.