



Kevin Downs

Associate

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Overview

Kevin Downs represents plaintiffs and defendants in high stakes commercial litigation across various industries and practice areas such as insurance, antitrust, data privacy, and energy. Kevin's clients range from Fortune 50 companies to individual investors. Most recently, he secured a settlement for a class of life insurance policyholders who alleged breach of contract against American National Insurance Company based on cost of insurance charges. Arguing the class representative's motion for a service award, Kevin convinced the court to award one of the largest class representative service awards that court had ever awarded. He currently represents a proposed nationwide class of individuals suing Accellion, Inc., whose personal information was exposed in one of the largest data breaches during the last five years. In the energy sector, Kevin helped defeat a temporary injunction request against his client, which allowed the company to immediately draw on almost \$20 million in letter of credit proceeds before trial. Kevin also currently represents one of the world's largest retail corporations in a nationwide docket of cases stemming from allegations of defective parking lot design.

As a former performing concert cellist used to high-pressure situations, Kevin is comfortable in the courtroom. He has argued numerous motions in courts across the country, including case-dispositive motions. His successful cross-examination, oral argument, and briefing in a *Daubert* hearing led to excluding the other side's only engineering expert in a design-defect case, ultimately resulting in a favorable settlement for the client on the eve of trial. Kevin has examined witnesses and successfully argued numerous evidentiary issues in trial. His direct examination of an attorneys' fees expert while defending an oil and gas breach of contract case resulted in the court awarding less than half of the fees the other side had initially sought. Kevin has taken and defended dozens of depositions across the country, securing favorable testimony for his clients.

Kevin joined Susman Godfrey after clerking for Chief Judge Lee H. Rosenthal of the United States District Court for the Southern District of Texas. While clerking, Kevin worked on a wide range of cases, at both the trial-court and appellate levels. Kevin graduated magna cum laude from the University of Pennsylvania Law School. Before law school, Kevin spent many years as a concert cellist. He served as the principal cellist of the Houston-based Mercury Chamber Orchestra, performed with the Houston Grand Opera, and gave solo recitals across North America and Europe. His performances have been broadcast around the world. He currently serves as a board member of the Mercury Chamber Orchestra.

Clerkships

Honorable Lee H. Rosenthal, Chief Judge, United States District Court for the Southern District of Texas

Education

Penn Carey Law at University of Pennsylvania (J.D., magna cum laude)

New England Conservatory (M.M., cello performance,)

Cleveland Institute of Music (B.M., cello performance,)

Admissions

Bar Admissions

- Texas
- California

Court Admissions

- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of Michigan