



KELLY A. KOSEK

PARTNER



Hahn Loeser & Parks LLP
200 Public Square, Suite 2800
Cleveland, Ohio 44114

p 216.274.2223 **f** 216.241.2824
e kkosek@hahnlaw.com

hahnlaw.com

Kelly A. Kosek is a commercial litigation attorney with experience defending clients in a wide range of litigation matters including putative class actions, contract disputes, and a variety of torts including manufacturing and design defects, failure to warn, civil conspiracies, employer international torts, fraud, negligence, and premises-liability claims. Kelly has represented a broad spectrum of clients, including clients in the title insurance industry, construction industry, mortgage industry, car-rental industry, and home-warranty industry. She has also represented manufacturers of automobiles, chemicals, refractory products, and firearms.

Kelly has significant experience defending class actions and defeating putative classes via summary judgment and motions to dismiss. She has also defeated motions for class certifications.

Kelly also has experience with lien and bond claims, as well as collections issues within the construction industry.

Since 2013, Kelly has chaired Hahn Loeser's Women's Leadership Initiative, whose mission is to design and support programming to develop leadership skills and create unique opportunities for Hahn Loeser's women attorneys. The initiative works in the community to promote the advancement of women by engaging in thoughtful dialogue, sponsoring, hosting, or attending women's events, and providing overall support to women in their professional endeavors. As part of those efforts to support women in their professional endeavors, each fall the initiative hosts professional women at a seminar featuring a nationally recognized speaker.

Representative Experience

- Experienced in class-action trial involving title insurance and escrow industry, including defeating plaintiffs' punitive-damages claims when a Kansas City, Missouri, jury returned verdict that expressly denied plaintiffs' punitive damages request for \$211 million.
- Defeated motions for preliminary injunction and temporary restraining order in class-action litigation in California state court involving home-warranty protection company.
- Obtained judgment on the pleadings dismissing claim under California's Consumer Legal Remedies Act (CLRA) in certified class action and successfully defended ruling on appeal.
- Superior experience in class-action removals, including researching and briefing Class Action Fairness Act (CAFA) issues before Eighth Circuit Court of Appeals, *Hartis v. Chi. Title Ins. Co.*, 2009 U.S. App. LEXIS 5372 (8th Cir. Mar. 13, 2009) and 694 F.3d 935 (8th Cir. 2012).
- Defeated putative class action through summary judgment in nationwide class action based on breach-of-contract claims in *Salling v. Budget Rent-A-Car Systems, Inc.*, 2010 U.S. Dist. LEXIS 70603 (N.D. Ohio July 14, 2010), *aff'd* 672 F.3d 442 (6th Cir. 2012).



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- Defeated putative class through motion to dismiss and summary judgment in multistate class action in *Arevalo v. Fid. Nat'l Fin., Inc.*, 2009 U.S. Dist. LEXIS 21607 (W.D. Tex. Jan. 29, 2009), *aff'd* *Murray v. Fid. Nat'l Fin., Inc.*, 594 F.3d 419 (5th Cir. 2010).
- Defeated class certification in multistate class actions in *Doll v. Chi. Title Ins. Co.*, 246 F.R.D. 683 (D. Kan. 2007) and *Hartis v. Chi. Title Ins. Co.* (W.D. Mo. 2010).
- Obtained judgment on the pleadings in class action for breach of contract, fraud, and unjust-enrichment claims in *Trohoske v. Chi. Title Ins. Co.*, 2011 U.S. Dist. LEXIS 137704 (N.D. Ohio Nov. 30, 2011).
- In \$1 billion class actions, managed veil-piercing discovery, including collecting responsive documents, responding to written discovery and defending corporate representative deposition.
- Acted as lead counsel in single state class action involving allegations of breach of contract, trespass, civil theft and unjust enrichment.
- Defeated complaint alleging fraud and violation of Ohio Mortgage Broker Act at pleading stage and defended dismissal through appeal to Sixth Circuit as lead counsel. Counseled clients regarding inquiries by governmental regulatory agencies.
- Managed collection efforts, including lien and bond claims, on construction projects.

Publications & Speaking Engagements

- Author, *ABA Practitioner's Guide to Class Actions*, Ohio Chapter, August 2017; Updated 2021.
- Panelist, "Early Career: Networking, Building Your Brand, Attracting Sponsors," Case Western Reserve University Women's Law and Leadership Conference, 2013.
- Author, "The View From the Couch: What I Learned From Reality TV", *DRI's The Business Suit*, July 2008.
- Co-Author, "All Dolled Up: Courts Poised to Reject Multi-State Class Actions", *DRI's The Business Suit*, March 2008.

Professional History

- Partner, Hahn Loeser & Parks LLP, 2012-present; Associate, 2007-11.
- Associate, Thompson Hine LLP, 2002-07; Summer Associate, 2001.
- Legal Extern, Pennsylvania Superior Court, Judge William F. Cercone, Summer 2000.

Admissions

- State of Ohio, 2002.
- U.S. District Courts for the Northern and Southern Districts of Ohio; U.S. Courts of Appeal for the Sixth and Eighth Circuits.

Education

- The College of William and Mary, J.D., 2002.
 - Honors & Activities: William and Mary Environmental Law and Policy Review.
- Allegheny College, B.A, 1999.
 - Honors & Activities: Phi Alpha Theta, Member; Order of Omega, Alden Scholar.

Awards & Distinctions

- AV Preeminent®, Martindale-Hubbell.
- *The Best Lawyers in America*®, Real Estate Law, 2021-22.
- Rising Star, *Ohio Super Lawyers*®, 2010-17.
- Northeast Ohio's Top 25 Under 35 Movers and Shakers, *Inside Business*, 2008.

Memberships & Affiliations

- Cleveland Bridge Builders, Member of Class of 2009.
- Defense Research Institute ("DRI"), Committee Leadership: Vice-Chair of Class Action Specialized Litigation Group ("SLG") (2017-19); Liaison between Commercial Litigation and Young Lawyers' Committees, 2009-10 (Co-Vice-Liaison 2007-09). Committee Membership: Commercial Litigation and Women in the Law.
- Cleveland Metropolitan Bar Association, Member, 2006-present; Bar Admissions Appeals Subcommittee, 2009-2017; Bar Admissions Committee, 2006-2017.

Community Involvement

- Strongsville City Council, Ward 3 Councilwoman, 2018-2021; Councilwoman-At-Large, 2022-present.
- Cleveland Hearing and Speech Center, Board of Directors, 2016-present.
- Playhouse Square Partners, Board of Directors, 2008-14, Co-Chair, 2010-11; Vice Co-Chair, 2009-10; Membership Co-Chair, 2008-09.
- Strongsville Women's League, Member, 2017-present.
- Strongsville Chamber of Commerce, Member, 2017-present.