



Kevin R. Gardner

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Kevin R. Gardner has been representing clients in the federal and state courts for more than thirty years in a variety of matters, including complex corporate, commercial, construction and environmental litigation, class actions, product liability claims, employment restrictive covenant disputes, and trade secret litigation. Mr. Gardner has substantial experience handling crisis management issues for clients and coordinates the firm's Emergency Response Team.

Mr. Gardner has served as lead counsel for clients in connection with catastrophic losses and mass litigation, notably the Port Elizabeth Warehouse Fire, the Texas Eastern Pipeline Explosion, and the Seton Hall University dormitory fire. He has also represented clients, and served as court-appointed liaison counsel, in mass product liability and environmental mass tort/MDL litigation.

Qualified as a mediator pursuant to Rule 1:40, Mr. Gardner has served as the mediator in more than 400 private and court-ordered mediations. He has also served as an arbitrator by court appointment in the United States District Court for the District of New Jersey and as a fee arbitrator by designation of the New Jersey Supreme Court.

For 23 years Mr. Gardner has been an adjunct professor at Seton Hall University School of Law, teaching "Civil Litigation in the Federal and State Courts of New Jersey." In 2011, Mr. Gardner joined the adjunct faculty of Rutgers University Law School, where he teaches "Crisis Management: The Legal Aspects of Crisis Planning, Response and Recovery." Mr. Gardner has also served as a lecturer at New York University's Graduate School of Business on the mediation of employment and commercial disputes. He is also a faculty member of the National Institute for Trial Advocacy and a frequent lecturer on civil practice issues and other subjects for the New Jersey Institute for Continuing Legal Education, Defense Research Institute, The Rutgers Institute for Professional Education, the New Jersey Attorney General's Advocacy Institute and other organizations.

By appointment of the New Jersey Supreme Court, Mr. Gardner has served six terms as a member of the Supreme Court's Civil Practice Committee. Since 2002, Mr. Gardner has been selected by his peers to be listed in The Best Lawyers in America (Commercial Litigation). He has also been elected by his peers to be a Fellow of the Litigation Counsel of America.

Practice Areas:

Alternative Dispute Resolution
Business Litigation
Crisis Management and Catastrophic Losses
Construction Law
Environmental Litigation
Product Liability and Tort Law
Labor and Employment Law

Admitted to Practice:

State of New Jersey
United States District Court for the District of New Jersey
United States Court of Appeals for the Third Circuit
United States Court of Appeals for the Fifth Circuit

Education:

Lehigh University (B.A., 1976)
Seton Hall University (J.D., 1979)

Affiliations:

American Bar Association
New York State Bar Association
New Jersey State Bar Association
Essex County Bar Association
International Association of Defense Counsel
Defense Research Institute

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While attending Seton Hall University School of Law, Mr. Gardner served as Managing Editor of the Law Review. Upon graduation, he served as Law Clerk to Hon. Robert L. Clifford, Associate Justice, Supreme Court of New Jersey. Mr. Gardner joined Connell Foley LLP in 1980.

Representative Experience

- In Re Durham Woods Litigation. Counsel for pipeline company in natural gas transmission line explosion and fire that destroyed 228 apartment units, resulting in over 1200 lawsuits and claims, with respect to the civil litigation as well as the criminal, NTSB and OSHA investigations;
- In Re Port Elizabeth Warehouse Fire Litigation. Counsel for public utility in \$195 million fire litigation;
- PPA Litigation. Counsel for pharmaceutical manufacturer in product liability class actions and 110 individual cases, court-appointed defense liaison counsel;
- Seton Hall University Dormitory Fire. Counsel for University with respect to OSHA, regulatory and criminal investigations, as well as civil litigation arising from dormitory fire that resulted in multiple fatalities and dozens of injuries;
- Bergenfield Apartment Explosion and Fire. Counsel for utility in multiple fatality natural gas explosion in an apartment building involving NTSB and Board of Public Utilities investigations and civil litigation;
- Ultra Additives Chemical Plant Fire. Counsel for chemical company as to cause and origin, environmental and OSHA investigations, as well as insurance issues in connection with chemical plant fire;
- Ford Edison Plant Litigation. Counsel to environmental consulting firm in investigation by Department of Environmental Protection and civil litigation arising from decommissioning of automobile assembly plant;
- In Re PSE&G Derivative Shareholder Litigation, 320 N.J. Super. 112 (Ch. Div. 1998). Counsel for corporation in shareholder class action;
- Geraci v. Gaitway Farm, Inc. Counsel for stable owner in barn fire that destroyed 21 standardbred racing horses with respect to civil litigation and insurance issues.

Professional Activities

- Adjunct Professor, Seton Hall University School of Law
- Adjunct Professor, Rutgers University School of Law
- Lecturer, New York University Graduate School of Business
- Faculty Member, National Institute for Trial Advocacy
- Faculty Member, New Jersey Attorney General's Advocacy Institute
- Lecturer, New Jersey Institute for Continuing Legal Education
- Member, International Association of Defense Counsel
- Member, Defense Research Institute
- Master, Seton Hall Law School Inn of Court

Recent Publications

- Author, "The Impact of HIPAA on Treating Physician Interviews," *The Metropolitan Corporate Counsel*
- Co-author, New Jersey law chapter in Compendium of Unfair Trade Practices, published by the Defense Research Institute

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