

Kevin Elkins

ASSOCIATE



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Clients depend on Kevin Elkins when facing litigation that can shape the trajectory of their business and rely on him for practical advice while navigating complex legal disputes. Kevin represents clients in intellectual property disputes, securities litigation, healthcare litigation, government enforcement actions, franchise litigation, and general litigation matters. Clients ranging from publicly traded corporations in the healthcare and financial services industries to individuals and closely held companies rely on Kevin when their interests are at stake.

Kevin's attention to detail and deep understanding of his clients' needs make him a valuable asset to clients working through complex litigation.

Kevin's goal for each of his clients is to resolve their litigation at the stage that makes the most legal and practical sense for the client, whether that be through settlement, mediation or other alternative dispute resolution, or taking a case all the way through trial.

Prior to joining Waller, Kevin served as a judicial law clerk to the Honorable Thomas W. Brothers, Sixth Circuit Court for the 20th Judicial District of Tennessee. Over the time Kevin clerked for Judge Brothers he participated in over 20 jury trials and countless bench trials, giving him practical knowledge that can benefit his clients in the courtroom.

EXPERIENCE

- **Client secures non-prosecution agreement in major fraud prosecution**

Secured a non-prosecution agreement for an individual in an investigation conducted by the U.S. Attorney's Office for the Southern District of New York which produced a major securities fraud indictment.

- **Toy company battles allegations of trademark infringement**

Defended a toy company against allegations of trademark infringement.

- **Medical computer equipment company enforces patent rights for removable battery assembly**

Represented the patent owner, a medical computer equipment company, in enforcing patent rights

related to removable battery assembly in federal court.

- **Toy company accuses competitor of trademark infringement**

Represented a fully integrated toy company in a trademark dispute involving a competitor by utilizing a cease and desist letter.

- **St. Francis Hospital - Bartlett navigates CON filings**

Represented a hospital client in multiple CON matters in the state of Tennessee involving Freestanding Emergency Departments.

- **Large healthcare network undergoes internal investigation**

Conducted an internal investigation of a large healthcare network which led to significant internal restructuring and personnel changes.

- **Waller defends national franchisor in termination case**

Lead counsel for a national franchisor in damage restoration industry in termination case involving contract/discrimination claims.

- **Record label sued by a former artist for copyright and other violations**

Represented a record label who was sued by a former artist in a lawsuit regarding breach of fiduciary duty, breach of contract, copyright violations and other violations. Waller litigated the case over the course of more than a year and was able to conclude the matter favorably for the client.

- **SFCU successfully pursued case against Las Vegas CEO for bankruptcy fraud**

Represented Southeast Financial Credit Union in lawsuit against an Indiana-based corporation and its primary shareholders and officers following a failed business relationship that left SFCU exposed to numerous government investigations. Secured a favorable settlement from the corporation's CEO in bankruptcy court in Las Vegas while mitigating the credit union's exposure to claims from attorneys general across the country.

- **Medical supply company prevails in asset purchase dispute**

Represented a medical supply company in a dispute involving an asset purchase agreement and sizeable earn-out provision. Obtained an extremely favorable resolution through aggressive pre-litigation advocacy, without the costs of filing suit.

- **AvKARE navigates securities fraud claims involving business partner**

Defended AvKARE, Inc. against securities fraud allegations related to an SEC and Department of Justice investigation of healthcare manufacturer MiMedx.

EDUCATION

- J.D., *magna cum laude*, University of Tennessee College of Law, 2014
 - Publications Editor, *Tennessee Journal of Law and Policy*
 - Homeless Pro Bono Project Coordinator
- B.A., *cum laude*, University of Tennessee, Sociology, 2011

COURT ADMISSIONS

- All State Courts in Tennessee
- U.S. District Courts, All Courts in Tennessee
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Michigan

BAR ADMISSIONS

- Tennessee

RECOGNITIONS

The Best Lawyers in America® Ones to Watch

- Commercial Litigation, 2021

Mid-South Super Lawyers (Thomson Reuters)

- Rising Stars - Business Litigation, 2019-2020

America's Top 100 High Stakes Litigators, 2020

- An invitation-only recognition that identifies the nation's leading attorneys in high value, high stakes litigation. Less than one-half percent (0.5%) of active U.S. attorneys receive this annual honor.

2020 Leadership Forum, Nashville Bar Foundation Cystic Fibrosis Foundation

- Named as a member of the 2018 class of Nashville's Top 30 under 30, an annual recognition honoring some of Nashville's most active young professionals and philanthropists under the age of 30

PROFESSIONAL INVOLVEMENT

- Board of Directors, The Heimerdinger Foundation
- Board of Directors, Nashville Bar Association Young Lawyer's Division
- Member, Nashville and Tennessee Bar Associations

UP CLOSE

Kevin is a land-locked scuba diving addict who will take any opportunity he can to get under water. He and his wife Jenna have two German Shorthaired Pointers who love the outdoors as much as they do.