



# Kevin J. Cosgrove

Counsel

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Norfolk

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## SERVICES

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### Industries

Retail and Consumer Products

### Practices

Retail and Consumer Products Litigation

Construction and Engineering Litigation

Government Contracts

Admiralty and Maritime Law

Land Use and Development

False Claims Act

Rocket Docket Practice (US District Court for the Eastern District of Virginia) Litigation

Colleges and Universities

National Security

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## EDUCATION

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JD, Washington and Lee University School of Law, 1979

BA, English and History, Hofstra University, cum laude, 1976

Kevin's particular fields of emphasis are construction litigation, government contracts, and maritime matters. As a former city attorney, he is also well versed in land use advice and litigation matters.

Kevin has extensive experience in the construction industry. He has tried over 90 jury trials in both state and federal court and is admitted to practice in the United States Court of Federal Claims. He also has handled numerous mediations and arbitrations of construction and government contracts matters.

For the past seven years, Kevin has been named a "Virginia Super Lawyer" in the field of construction litigation. He is also listed in "Best Lawyers in America" for construction litigation. He has written numerous articles and taught many seminars on construction and government contracts issues. Kevin was interviewed by *Law360* in 2010 and 2011 on the analysis of government contracts.

### Relevant Experience

- Defended public utility connection fee ordinance for Virginia county — prevailed by obtaining summary judgment at trial and having judgment affirmed by Virginia Supreme Court. *Eagle Harbor LLC v. Isle of Wight County*, 271 Va. 603, 628 S.E.2d 298 (2006).
- Won construction case for a major contractor resulting in significant savings; federal jury reached decision in one hour.
- Handled eight-day arbitration in a dispute over construction and maintenance of a pier on which oil pipelines were located — prevailed in full.
- Handled a \$30 million construction dispute on behalf of Virginia Polytechnic Institute and State University — case settled on very favorable terms.
- Won summary judgment in a defamation case brought by a former employee of a Fortune 500 company.
- Won a trial by demonstrating that the absence of a protective shield that should have been installed did not cause the plaintiff's injury; motion to strike plaintiff's case granted; saved client \$1 million.
- Saved commercial property client more than \$100,000 by recommending

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## BAR ADMISSIONS

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Virginia

- contract dispute go to trial; client prevailed after a two-day trial.
- Won a defense jury verdict in a wrongful death case for a Fortune 500 company — lowest demand by plaintiff before trial was \$800,000.
- Handled complex limited partnership dispute — case settled after two-day trial on very favorable terms.
- Obtained summary judgment on behalf of insurance broker in breach of contract case filed by Fortune 500 company.
- Successfully defended a size protest before the Small Business Administration on behalf of an advertising agency — the result was that the client was able to retain a multimillion dollar contract.
- Won summary judgment for a national bank when a plaintiff contested the bank's issuance of a stop payment order on a cashier's check.
- Handled an arbitration for a diesel engine repair company — achieved complete victory including an award of all attorney fees incurred by client.
- Achieved complete victory for a client when the federal government wrongfully terminated a contract — received an award of all outstanding contract balances, plus interest and attorney fees.
- Handled a dispute for a national bank when the federal government prematurely terminated a computer leasing contract — case settled on favorable terms after suit was filed in the US Court of Federal Claims.

### Memberships

- Member, United States Court of Appeals for the Federal Circuit Bar Association
- Member, Virginia State Bar Board of Governors for Construction and Public Contracts Section
- Member, Chesapeake Bar Association
- Member, Court of Federal Claims Bar Association
- Regional Director, Hampton Roads Chamber of Commerce
- Past President, Chesapeake Chamber of Commerce
- Past President, Virginia Beach Chamber of Commerce

### Awards & Recognition

- "Best Lawyers in America," Construction Law and Construction Litigation, 2013-2020
- Selected as Lawyer of the Year for Litigation – Construction, Virginia, *The Best Lawyers in America*, 2020
- "SuperLawyer," Construction Litigation, *Virginia SuperLawyers* magazine, 2007-2012, 2018-2019
- Volunteer of the Year, Hampton Roads Chamber of Commerce, Chesapeake Division, 2010

### Events

- Presenter, Recent Bid Protest Decisions and How They Might Affect You, Presented to the Virginia Ship Repair Association, June 2017

- Prime v. Sub — Making Your Best Deal, Presented to the Virginia Ship Repair Association, October 2014
- Mandatory & Discretionary Flow-Down Clauses in Federal Contracts, presented to the Virginia Ship Repair Association, November 2013
- The Care and Feeding of Expert Witnesses, presented to the Chesapeake Bar Association, September 12, 2013
- Evidentiary Rules That Every Local Government Attorney Should Know, presented to the Virginia Local Government Attorneys Association, April 25, 2013
- The Care and Feeding of Subcontractors, presented to the Virginia Ship Repair Association, October 17, 2012
- Government Contracts CLE class, presented to the Norfolk-Portsmouth Bar Association, October 13, 2011
- Bid Protests, presented to the Virginia Ship Repair Association, September 22, 2011

### **Publications**

- Co-author, Are You a Government Contractor Seeking PPP Loan Forgiveness? Be Careful What You Wish For!, *Pratt's Government Contracting Law Report*, August 2021
- Co-author, CARES Act Includes Assistance to Federal Contractors Who Offer Employees Paid Leave, *Pratt's Government Contracting Law Report*, July 2020
- Author, False Claims Act Litigation — Score Two For The Defendants, One For The Relators, *Hunton & Williams Government Contracts Reporter*, May 2012
- Author, Pitfalls Of Doing Business With Foreign Sovereigns: Wye Oak Technology, Inc. v. Republic of Iraq, *Hunton & Williams Government Contracts Reporter*, February 2012
- Author, Post-Med Trends Mess: Where To File A Task Order Protest, *Law360*, December 1, 2011
- Author, Government Contractors Should Prepare For Spending Reductions, *Hunton & Williams Government Contracts Reporter*, September 2011
- Author, Third Circuit Rules That Delaware's Apprentice Regulations Violate The Commerce Clause: Similar Rules In Numerous Other States Could Be Affected, *Construction Contracts Law Report*, July 22, 2011
- Author, The Federal Awardee Performance & Integrity Information System, *Hunton & Williams Government Contracts Reporter*, July 2011
- Author, Defense Department Proposes Rule Changes Concerning Contractors' Business Systems, *Hunton & Williams Government Contracts Reporter*, March 2011
- Author, Construction Corner, The Fourth Circuit Upholds Enforcement of Unambiguous "Pay When Paid" Clause, *Hunton & Williams Government Contracts Reporter*, March 2011
- Author, Construction Corner, Read Your Contract. Then Read it Again. Carefully. *Hunton & Williams Government Contracts Reporter*, January 2011
- Author, Construction Corner, Virginia Supreme Court Addresses Many Key

