



R. Kenyon Meyer

Partner

kenyon.meyer@dinsmore.com

Louisville, KY

Tel: (502) 540-2325

Kenyon started his career amassing as much trial experience as possible, and in two-plus decades he has tried everything from death penalty cases to multimillion dollar business disputes to homeowner association mailbox grievances. These and other experiences in state and federal courts have prepared him to handle all of his clients' needs, even those out of the ordinary.

The managing partner of Dinsmore's Louisville office, Kenyon represents corporations and individuals as plaintiffs and defendants. He knows that whether his client is a person or a corporation, his work will affect others' lives, and whenever possible he looks for ways to avoid protracted litigation. But he's always prepared to go to trial if a case can't be settled.

He has successfully represented business plaintiffs in jury trials, including three resulting in recoveries by his clients in excess of \$1 million. He has also defended business clients in numerous jury trials in civil and criminal cases, as well as having substantial experience in bench trials, arbitrations and injunction proceedings.

His litigation experience includes class action litigation, breach of fiduciary duty litigation, commercial disputes, wrongful discharge litigation, and trade secrets and restrictive covenant issues on behalf of employees and employers. He also represents employers and employees in white collar criminal matters, both in the investigation stage and in litigation. Additionally, Kenyon represents clients who are the subject of investigations initiated by state attorneys general, state and federal administrative regulators, and law enforcement.

His clients come from an array of industries, such as for-profit education, software, construction, rent-to-own, coal, gaming, medical, and media. He has also represented the Kentucky Association of Criminal Defense Lawyers before the Kentucky Supreme Court.

He has represented individuals and entities in gaming industries in civil, criminal, and administrative litigation. Relevant examples include representing an online gaming trade organization related to government efforts to forfeit domain names; representing executives in the horse industry regarding employment contracts; defending entities and individuals involved in charitable gaming before state administrative agencies and in criminal litigation; representing entities in the thoroughbred industry in federal grand jury investigations; and litigating on

behalf of a manufacturer of historical racing technology related to the definition of pari-mutuel wagering.

Kenyon has a passion for pro bono work and providing legal assistance to the indigent. He has successfully tried three capital murder cases, accepted appointments to represent indigent criminal defendants in state and federal courts for two decades, and was lead counsel in a case that gathered national attention involving the handcuffing of two young children by a school resource officer in an elementary school. The case prompted procedural changes throughout the county's elementary schools and resulted in a monetary settlement to the clients' satisfaction.

Services

- Litigation
- Employment
- First Amendment & Media
- White Collar Defense
- Employment Discrimination Litigation
- Wage/Hour Law
- Wrongful Discharge
- Government Investigations
- Audits, Counseling & Training
- Gaming & Sports Industry

Education

- Brandeis School of Law at the University of Louisville (J.D., 1995)
- University of Notre Dame (B.A., 1992)

Bar Admissions

- Kentucky

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Southern District of Illinois

Affiliations/Memberships

- American Bar Association, Litigation Section

- Kentucky Bar Association
- Louisville Bar Association
- National Association of Criminal Defense Lawyers
- Kentucky Association of Criminal Defense Lawyers
 - Board of Directors, member
- Children's Law Center, Inc., Board of Directors
- Judicial Nominating Commission for the 30th Judicial Circuit

Distinctions

- *Peer Review Rated AV in Martindale-Hubbell*
- 40 Under 40 Award from *Business First*
- *Chambers USA Guide to America's Leading Business Lawyers*
- Kentucky *Super Lawyers*®
 - For Business Litigation (2021)
- "Benchmark Litigation Star" in Kentucky for the (2016)
- Pro Bono Award from the Louisville Bar Association (2000)
- *Best Lawyers*®
 - Litigation - Labor and Employment (2022-2024)
- "Top Lawyers" list by *Louisville Magazine* (2013 and 2016)
- 2019 KACDL Distinguished Service award, recipient

Experience

Judge Rules Cuffing of Students with Disabilities Unconstitutional

We filed a lawsuit in concert with the Children's Law Center and the ACLU following the handcuffing of two Covington Independent Schools students with disabilities by a school resource officer. The students, ages eight and nine, were handcuffed as punishment for behavior related to their disabilities. The two students were cuffed above their elbows, causing pain, and video showed one of the students crying out during the incident. Our lawsuit prompted a Department of Justice investigation into the school district's disciplinary actions, including whether police should be involved in disciplining students. The school district ultimately agreed with the justice department to implement new disciplinary policies, and a federal district court judge granted a motion for summary judgement ruling the students' Fourth Amendment rights were violated. The court also ruled Kenton County liable for the school resource officer's conduct.

Enforcement of Non-Compete Agreements Against Former Employees

This case involved enforcement of noncompetition and non-solicitation agreements against former employees who violated their employment contracts when they solicited numerous clients to switch brokerage companies. We successfully enforced the noncompetition and non-solicitation agreements on behalf of our client, the aggrieved insurance brokerage company, then obtained a favorable monetary settlement for our client.

Breach of Contracts Involving Physician Group and Large Hospital System

We brought this case on behalf of a physician group against one of its former partners and a large hospital system, claiming the partner and the hospital system caused the physician group to lose millions of dollars by breaching contracts and fiduciary duties to the group. After a two-week trial in Jefferson Circuit Court, a jury awarded our client over \$4 million.

Appeal in Connection with Enforcement of Arbitration Provision

When a circuit court found the arbitration provision of a student enrollment form at Daymar College to be unenforceable, the college turned to Dinsmore for the appeal. A group of students alleged that they were deceived into enrolling at Daymar through false and misleading statements regarding the transferability of credits and availability of job opportunities. All of the students had signed an enrollment form, which contained a provision that stated any dispute related to the form or their enrollment would be handled through arbitration. The provision also stated that the cost of arbitration would be split amongst both parties. After their initial complaint, the students also argued that they were unaware of the arbitration provision on the enrollment form, and that they were pressured by Daymar to sign the enrollment form quickly. The trial court ruled that the provision was procedurally unconscionable and denied the client's motion to compel arbitration, explaining that students had a limited time to read and comprehend the enrollment form, and also that requiring students with limited income to pay for half of an arbitration proceeding was unconscionable. Upon appeal, we argued that state and federal law strongly favor the enforcement of agreements to arbitrate, and that state law does not support the proposition that the cost of arbitration can render an arbitration provision unconscionable. Furthermore, we argued that the trial court could have severed the cost-splitting provision as an independent covenant, following state policy to strike objectionable provisions to maintain the contract as a whole. The Kentucky Court of Appeals reversed the decision of the trial court and remanded the matter for additional proceedings.

Allegations of Fraud Relating to Enrollment at a Proprietary Educational Institution

We defended an educational institution in a trial relating to an arbitration provision on the enrollment form. Four former students alleged they had been deceived into enrolling at the school through fraudulent and misleading statements regarding the transfer of credits and job opportunities. The enrollment form, which had been signed by all of the students, contained a provision that called for any dispute related to their enrollment to be handled through arbitration. The students alleged that they were unaware of the arbitration provision and filed suit. After a week-long trial, judgment was awarded to the client on all counts.

Allegations of Mail Fraud Relating to Outsourcing of Business

Our client, the chief operating officer of a corporate vendor in the railroad industry, was indicted for allegedly engaging in mail fraud by improperly outsourcing business to a company owned by his brother. We performed a significant amount of pre-trial work, and the prosecutor agreed to a pre-trial diversion, which led to all charges being dismissed with prejudice. We also successfully obtained an injunction that required the client's former company to indemnify him from legal fees.

Beneficial Franchise Company v. BankOne, et al.

We were lead counsel for defendants Republic Bank & Trust and River City Bank in patent infringement case involving business method patents purportedly covering systems and software relating to tax refund anticipation loan processing. We successfully settled the case after prevailing with respect to novel contractual third-party claims which we brought against an affiliate of the plaintiff patent owner. *Beneficial Franchise Company v. Bank One, et al.*, Civil No. 00 C 2441 (N.D. Ill. 2001).

Breach of Contract in a Case Involving Two Recycling Companies

We represented the plaintiff, a recycling and scrap metal company, in a jury trial centered on allegations of breach of contract. Our client collected metal and had entered into a contract to supply that metal to Industrial Services of America, a larger recycling company. The contract also called for Industrial Services of America to refer certain customers to our client, specifically with regard to retail customers for their recycling needs. However, when the scrap metal salvaging market became increasingly profitable, our client saw that customer referrals were no longer coming. We alleged that Industrial Services of America had breached the contract, and in a two-week jury trial, we proved that the defendant had stopped referring clients. We were awarded a \$990,000 jury verdict for the client.

Cape Publications, Inc. v. Braden

Our firm represented the Plaintiff newspaper in a suit to determine the legality of a trial court order prohibiting the media from contacting, communicating with, or interviewing the jurors in a capital murder case following completion of the trial. The Supreme Court of Kentucky ruled that the trial court had no jurisdiction to prohibit the media from communicating with or interviewing the former jurors.

Cape Publications, Inc. v. University of Louisville Foundation, Inc., 260 S.W.3d 818 (Ky. 2008)

The Courier-Journal sought records of donations made to the Foundation under the Open Records Act. The Foundation claimed that the privacy exception should allow it to withhold donor information. The trial court and the Court of Appeals agreed. In August 2008, the Supreme Court overturned the Court of Appeals ruling and held that donor information must be made public.

Commonwealth v. Jason Stinson, Jefferson Circuit Court (2009)

In August 2009, the Jefferson Circuit Court (Judge Gibson) excluded the press and public from the jury selection in this highly publicized murder case against a high school football coach involving the death of a student athlete during practice. We intervened on behalf of the Courier-Journal and convinced the trial court to allow media representatives to be present during jury selection.

Dispute Involving Contractual Issues Between Business Partner and Guarantor

In this case we defended a national real estate management company and certain partnerships that were sued in Kentucky regarding contractual issues by a business partner and guarantor. There was already similar litigation pending on similar issues in California. This case was essentially a “race to the courthouse” to determine which state would adjudicate the legal issues. After substantial motion practice, the Court granted our request to abstain

from adjudicating the Kentucky case in order to let the California litigation proceed. The California litigation was subsequently settled.

Kentucky Press Association v. Commonwealth of Kentucky

Our firm represented the Plaintiff Kentucky Press Association in a federal suit involving First Amendment issues dealing with closure of juvenile court proceedings. The case was dismissed without prejudice.

Plea Agreement in Homicide Case

We represented a defendant charged with involvement in a highly-publicized homicide case in Louisville. The client was alleged to have lured two victims out of their house, at which point they were shot and killed by accomplices of the client. The client, along with the two alleged shooters, all faced the death penalty if convicted. Prior to trial, we reached a plea agreement with the prosecution that allowed the client to plead guilty to lesser charges and avoid time in prison.

Santos v. Knight-Ridder, Inc.

The firm represented the newspaper Defendant in an action for defamation. A Motion to Dismiss was granted on jurisdiction issues.

Secured a \$2.7 million verdict against Insight Communications in a lawsuit filed by a fleet maintenance company

Competition is fierce in the business world, and companies need to stay vigilant in ensuring that there is a level playing ground. When a fleet maintenance company in Louisville alleged that Insight Communications gave its fleet work to a former employee who was providing them kickbacks, they enlisted Dinsmore's help. We represented Preferred Automotive Services, who had provided fleet maintenance services to Insight Communications before a former Preferred employee left to start his own fleet business. We alleged that Insight moved their fleet business to the former employee in exchange for free repairs on Insight managers' personal vehicles, as well as cash and gift cards. During the course of the case, Insight hired an outside attorney to investigate the kickback allegations, but declined to release results of the report. Following a nine-day trial in the Jefferson County Circuit Court, a \$2.7 million verdict was awarded to our client. In a separate lawsuit, our client also reached a settlement with the former employee.

U.S. v. Coal Company

We represented the Defendant coal company in a federal suit seeking \$20 million in penalties for alleged criminal violations of health and safety standards. After a four week trial, the District Court imposed \$300,000 in fines. The U.S. appealed and the Sixth Circuit affirmed.

United States v. Dairy Farmers of America, Inc.

The firm represented the Intervening Plaintiff newspaper in an effort to obtain documents which were sealed in a court file. We were primarily successful in that numerous documents were made public.

USA v. Karen Sypher, U.S. District Court, Western District of Ky. (2010)

The Courier-Journal intervened in this highly publicized extortion trial (in which U of L basketball coach Rick Pitino was the victim) in order to challenge the trial court's pretrial order which prohibited the

news media from attempting to speak with the defendant. A few days after the Courier-Journal's motion, the court rescinded the order.

Welch v. American Publishing Company

We represented the Defendant publishing company in a suit involving the application of a standard of "actual malice" with respect to the publication of an advertisement in a political campaign. The Supreme Court of Kentucky affirmed the summary judgment granted by the trial court in favor of the newspaper.