

Kevin M. Passerini | Partner

Labor & Employment

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Kevin Passerini provides legal counsel to clients on a wide range of business issues, concentrating on the prevention and litigation of disputes between competitors in the following areas:

- Trade secrets and intellectual property
- Restrictive covenants in the employment, transactional, and benefits contexts
- Corporate raiding
- Duty of loyalty
- Unfair competition

While Kevin's practice often involves fast-paced injunction proceedings and trade secrets and restrictive covenant litigation, he also provides counseling to companies outside of the litigation context addressing these critical and ever-evolving issues. In particular, Kevin counsels clients on the protection of competitively valuable information, employee work product, human capital, business relationships and good will, and related investments in employee training and research and development. He also regularly provides consulting to clients with respect to the drafting, updating, negotiation, and implementation of restrictive covenant agreements and provisions associated with business transactions, acquisitions, and incentive and equity plans and related employment, benefits, and IT policies. He also provides valuable insight for companies whose legislative affairs teams are working with state and federal legislators and agencies to address issues related to local, state, and federal efforts with respect to the regulation of misappropriation of trade secrets and the use and enforcement of restrictive covenants such as non-competition provisions.

Kevin served as Note and Comment Editor of the *Journal of Law and Commerce* while in law school, and he interned with the Civil Division of the United States Attorney's Office for the Eastern District of Pennsylvania. Kevin's collegiate studies focused on biology and chemistry.

## Outside The Firm

Kevin and his wife, Megan, and their four children reside in Wayne, Pennsylvania.

## Select Engagements

- A global, *Fortune* 50 healthcare and consumer products family of companies, in and concerning nationwide restrictive covenant practices and related employment and benefits policies, business transactions, and lateral recruiting, and in numerous litigation matters nationwide concerning corporate raiding, trade secrets, restrictive covenants, unfair competition, anticompetitive conduct, fraud, false advertising, and antitrust.
- A global, publicly-traded digital education company and its affiliates, with respect to nationwide restrictive covenant practices and enforcement issues and related employment and benefits policies, business transactions, and lateral recruiting nationwide.
- A global pharmacy company, in and concerning administrative proceedings concerning alleged anticompetitive conduct and impacts of acquisitions, including proceedings before the Federal Trade Commission.
- A global chemical company, in litigation concerning a competitor's efforts to enforce restrictive covenants.
- A healthcare corporation, in antitrust litigation pertaining to pharmaceutical patents and the Hatch Waxman Act, including appellate litigation.
- A regional healthcare insurer and its officers and directors, in a RICO class action arising out of contracted restrictions on healthcare providers and billing and reimbursement practices.
- A publicly-held defense contractor, in a post-acquisition fraud lawsuit against the former officers and directors of an acquired company.

## Admissions

- Pennsylvania
- New Jersey
- United States Court of Appeals for the Third Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - New Jersey
- U.S. District Court - Western District of Michigan

## Memberships

- American Bar Association
- American Intellectual Property Law Association

- Historical Society of Pennsylvania

## **Education**

- University of Virginia, BA
- University of Pittsburgh School of Law, JD, cum laude

## **Professional Activities**

Kevin previously served on the Board of Councilors for the Historical Society of Pennsylvania and worked to found the organization's Young Friends Board. In addition to his active publications on LinkedIn and through the firm's client alerts and blogs, he has authored articles regarding trade secrets and restrictive covenants for numerous legal media and industry publications and frequently serves as a panelist at CLE programs and webinars on the topics of trade secrets litigation, restrictive covenants and trends, and associated employment practices and ethical issues.

Kevin is also a member of the American Intellectual Property Law Association.

## **Languages**

- Spanish