



# Kendall Kelly Hayden

## Member

## Dallas

khayden@cozen.com | (214) 462-3072

Kendall focuses her practice in commercial litigation, with an emphasis in transportation and hospitality law, as well as retail, employment matters, professional liability defense, product liability defense, and construction defect matters. Kendall fosters relationships with colleagues across Cozen O'Connor's many practice areas so that she is positioned to help clients identify appropriate counsel for any legal issue they might face. She serves as relationship partner for clients with a wide range of legal needs.

Kendall's experience in the hospitality industry reflects multiple representative clients, including international golf management companies, hotels, and restaurants, boutique bed and breakfasts, party suppliers, spas, marinas, and country clubs. She has served as a guest lecturer on the topic of Legal Issues in the Hospitality Industry at the University of Houston's Conrad N. Hilton College and regularly speaks at the annual Hospitality Law Conference. Kendall has presented numerous times to the members of the Club Management Association of America (CMAA).

Kendall currently serves as a member of the National Retail and Restaurant Defense Association (NRRDA), whose mission is to advance and protect the interests of the retail and restaurant industry by reducing claims, better managing risk, and mounting effective defense strategies against claims and litigation. To be accepted as a private practice attorney into NRRDA, members must be nominated by three members of the restaurant or retail industries. Kendall also currently serves as a sustainer of the Junior League of Dallas.

Her transportation work includes large commercially licensed vehicle owners and operators, armored vehicles, and admiralty/maritime industry clients. Kendall's employment experience includes discrimination, sexual harassment, and overtime claims.

Kendall previously served as the pro bono coordinator for the Dallas office and the Women's Initiative co-chair for the firm. She is a former vice-chair for the ABA TIPS Commercial Transportation Litigation Committee and a former vice-chair for the Dallas Bar Association's LegalLine Committee. Kendall is an alumna of the inaugural classes of the Dallas Mayor's Star Council after being appointed by Former Mayor Mike Rawlings to serve as one of 25 influential young professionals to advise him on issues affecting the city of Dallas, Leadership University Park, a community-based leadership program to train professionals to serve the city, and Leadership State Bar of Texas, a state-wide group of 20 lawyers selected by the presidents of the State Bar of Texas and the Texas Young Lawyers Association. In 2009, Kendall was elected to serve a two-year term as a Director for the Texas Young Lawyers Association board of directors. Kendall also serves as a mentoring attorney for the Dallas Volunteer Attorney Program in the area of Consumer Law. In 2012, she was recognized as Dallas Pro Bono Coordinator of the Year by the Dallas Volunteer Attorney Program.

Kendall received her Bachelor of Arts in Spanish from Texas A&M University and earned her law degree from Southern Methodist University Dedman School of Law. At Texas A&M, she served as president of her junior and senior class. During law school, Kendall served as editor-in-chief of the SMU Computer Law Review and Technology Journal.

## Experience

### Practice Areas

- Commercial Litigation
- Transportation & Logistics Litigation
- Product Liability
- Labor & Employment

### Industry Sectors

- Food & Beverage
- Hospitality
- Retail
- Sports

### Education

- Southern Methodist University, J.D., 2003
- Texas A&M University, B.A., 1999

### Bar Admissions

- Texas

### Court Admissions

- U.S. District Court -- Eastern District of Texas
- U.S. District Court -- Northern District of Texas
- U.S. District Court -- Southern District of Texas
- U.S. District Court -- Western District of Texas
- Texas Supreme Court

### Affiliations

- American Bar Association
- National Retail and Restaurant Defense Association
- Leadership State Bar of Texas
- Texas Bar Foundation, Life Fellow
- Texas Courier and Logistics Association
- Texas Young Lawyers Association
- Dallas Women's Lawyers Association
- Preston West Republican Women

### Awards & Honors

- Attorney of the Week by HospitalityLawyer.com - June 17-24, 2014, September 25-October 3, 2016, and July 9-13, 2018
- "Rising Star" in Insurance - 2008
- "Rising Star" in Transportation and Maritime Law - 2012-2016
- Dallas Pro Bono Coordinator of the Year by the Dallas Volunteer Attorney Program - 2012

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Obtained summary judgment on behalf of an international hotelier facing allegations of inadequate security.

Won a no-evidence motion for summary judgment, and secured a complete dismissal of all claims, in an action in which the plaintiff and co-defendant alleged that our client, the owner and operator of a pub, was liable under the Texas Dram Shop Act for injuries the plaintiff and co-defendant claimed to have sustained during a physical altercation.

Obtained dismissal of a lawsuit on behalf of a hotel franchisor for allegations of negligence stemming from an incident on the premises of a franchisee and allegations of an agency relationship between the franchisor and franchisee.

Successfully resolved a matter brought against a restaurant franchisor arising from a motor vehicle accident alleged to have been caused by the service of alcohol at a franchise location.

Obtained traditional and no-evidence summary judgment on behalf of motorcycle dealer in a personal injury case involving a motorcycle accident.

Obtained dismissal of two cases filed against the same trucking company by the same shipper.

Successfully obtained default judgment on behalf of transportation company and subsequently defeated defendant's motion for new trial.

Obtained final summary judgment and dismissal of case on behalf of transportation company.

Obtained summary judgment against plaintiffs who filed suit against the insurer of insured after default had been rendered against the insured.

Obtained summary judgment in the United States Fifth Circuit Court of Appeals on ERISA claim denial of NFL athlete.

Obtained final judgment on behalf of a manufacturer for breach of contract allegations.

Obtained dismissal of two cases at trial and on appeal against same plaintiff for suits filed against international manufacturer of nutritional supplement for false advertising.

Persuaded a North Texas judge to grant a motion to transfer a venue to South Texas on behalf of a South Texas hotelier due to the hotel owner's extensive business operations in and the management company's frequent travels to South Texas.

Obtained summary judgment and dismissal with prejudice on behalf of international restaurant franchisee for negligence claims.

Obtained summary judgment and dismissal with prejudice on behalf of sub-contractor for negligence and warranty claims.

Obtained final summary judgment on behalf of a hotel franchisor in a breach of privacy case.

Obtained final summary judgment on behalf of a hotel franchisor in a slip and fall case centered on a patron's allegation that he slipped on naturally occurring ice.

Achieved a favorable outcome on behalf of a franchisor's employee in a criminal action.

Obtained verdict at trial on behalf of car dealership.

Set aside default judgment entered against hotel franchisee.

Set aside default judgment entered against transportation company.

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