



## Kevin Schlosser

Shareholder, Litigation & Dispute Resolution Department Chair

990 Stewart Avenue  
Garden City, New York 11530  
(516) 592-5709  
kschlosser@msek.com



### Practice Areas

Litigation & Dispute Resolution

### Education

Hofstra University Law School  
J.D. with distinction

John Jay College of Criminal Justice,  
City University of New York, B.A.  
*magna cum laude*

### Memberships

American Inns of Court Executive Board,  
Theodore Roosevelt Chapter,  
Past President

National Institute for Trial Advocacy,  
Instructor

American Bar Association, Litigation Section

New York State Bar Association, Commercial  
and Federal Litigation Section

Nassau County Bar Association,  
Commercial Litigation Committee

Suffolk County Bar Association, Commercial  
Division Committee

New York State Bar Foundation Fellow

### Admissions

New York State

U.S. Supreme Court

U.S. Court of Appeals for the Second Circuit

U.S. District Court, Eastern and Southern  
Districts of New York

U.S. District Court, Eastern District of Michigan

U.S. District Court, Eastern District of Wisconsin

Kevin Schlosser is a Shareholder and the Chair of the Litigation & Dispute Resolution Department at Meyer, Suozzi, English & Klein, P.C. located in Garden City, N.Y. Mr. Schlosser has been involved in all aspects of state and federal litigation since starting his legal career in 1984. An experienced civil litigator, Mr. Schlosser has engineered the legal strategy for a broad range of cases and arbitrations, including complex commercial matters, corporate and partnership disputes, business torts, fraud, breach of fiduciary duty, breach of contract, business valuations, employment and restrictive covenants, intellectual property, trademarks, copyrights, unfair competition, false and misleading advertising, trade secrets, professional liability and malpractice claims, construction law and mechanics liens, real estate, commercial landlord-tenant disputes, ERISA, health law, Federal Fair Debt Collection Practices Act class actions, products liability, insurance coverage, claims and defense, including disability insurance claims, and the prosecution and defense of other tort-related claims. His clients consist of some of the largest companies in the world, as well as local businesses and individuals, including senior law partners, accountants, doctors and others in the professions. A proven appellate lawyer, he is also an accomplished trial attorney, whose victories include million-dollar recoveries and a record-breaking jury verdict.

Mr. Schlosser also serves as a private neutral arbitrator and party-appointed arbitrator in complex commercial disputes. He is a member of the Commercial Panel of the National Roster of Arbitrators of the American Arbitration Association, and approved to serve as an arbitrator on any AAA-designated arbitrations. As a panel arbitrator, Mr. Schlosser has presided over arbitrations of a complex international multi-million dollar contractual dispute as well as partnership, shareholder, employment and contractual disputes. Mr. Schlosser also serves as a Mediator, Court-Appointed Referee and as a "Private Judge" pursuant to the CPLR. For more on Meyer Suozzi's roster of Private Judges, [click here](#).

In addition to his litigation experience, Mr. Schlosser also acts as general outside corporate counsel, advising corporate clients on the full spectrum of legal affairs. Because of his experience in the Commercial Division of the Supreme Court of the State of New York since its inception, Mr. Schlosser is frequently tapped to serve as local Long Island counsel to many other law firms in New York City and out of state, including in Nassau and Suffolk Counties.

# Kevin Schlosser

## Notable Experience Includes:

- Won a \$12.6 million judgment in a jury trial in the Commercial Division, Nassau County, in a breach of contract case involving a stock purchase agreement
- Won at trial in Commercial Division, New York County, defeating \$1.2 million commission claim by Trump Securities
- Appeared as litigation counsel to the National Football League and obtained the immediate vacatur of an injunction through an order of the Appellate Division in Long Island, thereby permitting the NFL to pursue its policy of mandatory drug testing of professional football players
- In a jury trial in the United States District Court for the Eastern District of New York, obtained a verdict entirely rejecting claim for nearly \$14 million in alleged lost profits in an international breach of contract case, breaking down plaintiff's financial experts through vigorous cross-examination
- Has appeared as lead counsel in copyright, trademark, Lanham Act, contract and antitrust cases throughout the country, including in United States District Courts in California, Hawaii, Illinois, Michigan, New York, Oklahoma and Wisconsin.
- Successfully defended a \$65 million shareholder derivative action alleging breach of fiduciary duties and corporate waste against the former president of a public bank, resulting in the entire action against the president being dismissed with no monetary payment from the president and his counsel fees being reimbursed in their entirety by the bank
- Successfully defended a \$25 million action alleging several counts of fraud, breach of contract and business torts against the largest casino operator in the world
- Obtained summary judgment dismissing case and prevailed on appeal to the New York Appellate Division, First Department, and Court of Appeals in an action alleging damages of over \$20 million, asserting intentional interference with contract and interference with business relations against largest casino operator in the world
- Prevailed on appeal to the New York Appellate Division, Second Department, to sustain claim of punitive damages in a commercial fraud and breach of fiduciary duty action
- Prevailed in arbitration in dispute between senior law partners concerning the proper method for allocating fees in cases handled by the law firm
- Obtained injunctive relief on behalf of product manufacturer/seller in United States District Court for the Eastern District of New York barring competitors from selling competing, offending product, and prevailed after trial in challenge to the injunction
- Obtained final judgment against large manufacturer's competitor and former employee under restrictive covenants and non-disclosure agreements based upon claims of misappropriation of trade secrets and breach of contract in Commercial Division, Nassau County
- Obtained highest jury award on record for damages in an action for nuisance and interference with real property rights on behalf of property owners in the Supreme Court, Suffolk County
- Obtained jury verdict in Supreme Court, Nassau County, on behalf of international distributor-commercial tenant on the ground of constructive eviction even though tenant continued to remain in the leased premises for lengthy period of time, in which jury awarded tenant significant monetary damages against the landlord and relieved the tenant of any further obligation for rent on remaining lease term after the tenant moved to new space

## Kevin Schlosser

- Obtained summary judgment and prevailed on appeal to New York Appellate Division, Second Department, and New York Court of Appeals in an action against insurer on behalf of insured manufacturer declaring that insurer must defend underlying false advertising and Lanham Act claims pending in federal district court
- Obtained favorable resolution of several actions arising from partnership dispute and sale of real property in New York City, including \$14 million fraud claims, breach of fiduciary duty claims and breach of contract
- Spearheaded as general outside counsel to an international manufacturer (the largest of its kind in the world) the favorable settlement of a \$25 million products liability action after several rounds of mediation, successfully resolving complex insurance coverage issues and coordinating three outside defense firms in the defense of the manufacturer
- Recovered, by way of judgment and settlements, millions of dollars on behalf of disabled professionals and other employees under private and ERISA disability insurance policies
- As general outside corporate counsel to an international manufacturer, provides on-going oversight of all legal affairs of the company, including employment, regulatory, acquisitions and joint ventures, licensing and intellectual property transactions, distribution agreements, independent contractor agreements, operating agreements and related matters



Mr. Schlosser serves in various teaching capacities: He is a member of the faculty of the National Institute for Trial Advocacy; has chaired the Continuing Legal Education Program on New York Civil Motion Practice at Hofstra Law School; and is a member of the Continuing Legal Education faculty panel of the New York State Bar Association and the Nassau County Bar Association Academy of Law, where he instructs experienced practicing attorneys. He has given CLE seminars and presentations with some of the most prominent judges in the state and federal courts, including Supreme Court Commercial Division Justices Timothy S. Driscoll, Vito M. DeStefano, Stephen Bucaria, Emily Pines, Elizabeth Hazlitt Emerson, Jerry Garguilo, James Hudson, Saliann Scarpulla and Thomas Whelan, Appellate Division Justices Leonard Austin, Karla Moskowitz, Barbara Kapnick and federal judiciary such as U.S. District Court Judges Shira Scheindlin, Richard J. Sullivan and Nicholas G. Garaufis and Magistrate Judges Arlene R. Lindsay, William Wall, and the late Magistrate Judge A. Kathleen Tomlinson. Many of Mr. Schlosser's activities can be viewed in detail by clicking on the relevant links on his profile page. [Click here](#) to view details from meetings of Nassau County Bar Association's Commercial Litigation Committee, which Mr. Schlosser chaired from 2013-2015. Mr. Schlosser is also an active member of the Commercial Division Committee of the Suffolk County Bar Association. In 2016, Mr. Schlosser served as the President of the Theodore Roosevelt American Inn of Court.

Mr. Schlosser has written extensively on many aspects of the law, publishing numerous articles in leading legal publications. He has authored the "Litigation Review" column for the New York Law Journal and served on the Board of Editors of the Nassau Lawyer, which is the official publication of the Nassau County Bar Association. Many of Mr. Schlosser's articles can be viewed by clicking on the "Publications" link on his profile page or view the comprehensive list in this document. He is also the author of a well-recognized blog, [www.nyfraudclaims.com](http://www.nyfraudclaims.com), which covers new developments concerning claims of fraud and misrepresentation under New York law.

Active in charitable organizations, Mr. Schlosser received the 2003 Leadership Award presented by the Long Island Chapter of the National Multiple Sclerosis Society. He has also served as a faculty member of the Construction Management Institute, sponsored by the New York State Chapter of the National Association of Minority Contractors, helping minority-owned contractors enhance their developing businesses.

## Kevin Schlosser

During law school, Mr. Schlosser was a Member and then Articles Editor of the Hofstra Law Review. In his capacity as Articles Editor, Mr. Schlosser interacted with and edited articles of some of the most prominent and well-respected legal scholars, including law professors, evidence experts and Congressional leaders. He also clerked for the Honorable George C. Pratt, United States Circuit Court Judge, where he drafted several court decisions, including a complex antitrust ruling. He also obtained valuable trial experience while clerking in the Criminal Division of the United States Attorney's Office for the Eastern District of New York, where he assisted in the prosecution of several major felony cases. Mr. Schlosser graduated law school with the highest honors. Additionally, he was a founding officer of a national criminal justice honor society at John Jay College of Criminal Justice of the City University of New York. At the outset of his career, Mr. Schlosser acquired intensive litigation experience, having been trained at two prominent firms based in New York City: Patterson, Belknap, Webb & Tyler, and Chadbourne & Parke. In 1990, he became associated with one of Long Island's largest law firms, where he rose to the level of a managing partner and head of its litigation department, the largest practice group in the firm. After joining Meyer, Suozzi and becoming a partner in 2002, Mr. Schlosser was appointed Co-Chair of the firm's Litigation Department in November 2002. In 2006, Mr. Schlosser became Chair of the firm's Litigation and Dispute Resolution Department and has held that position through the present. He is also a member of the firm's Management Committee. Mr. Schlosser is rated "AV Preeminent" by Martindale-Hubbell, the highest level in professional excellence and ethics. Mr. Schlosser was recognized by Long Island Pulse Magazine in 2010 and 2011 as the region's "Top Legal Eagle for Litigation." Mr. Schlosser has been named to the New York Super Lawyers list as one of the top attorneys in New York from 2012-2024.

**IMPORTANT STATUTE OF LIMITATIONS  
CONSIDERATIONS FOR FRAUD AND OTHER  
COMMERCIAL CLAIMS**

Spring 2024  
The Legal Brief

**THE IMPACT OF FRAUD CLAIMS ON  
CONTRACTUAL ARBITRATION AND JURY WAIVER  
PROVISIONS**

Spring 2023, Vol. 28, No. 1  
NY Litigator

**LITTLE KNOWN FRAUD FUN FACTS:  
THE SECRET IS OUT**

Spring 2023  
The Legal Brief

**THE USE OF PRIVATE JUDGES: NEW WORLD, NEW  
WAVE?**

November 6, 2020  
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**RENEWED ALLURE IN HIRING "PRIVATE JUDGES"  
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May 28, 2020  
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**CAN ALLEGATIONS OF FRAUD VITIATE CONTRACTUAL  
JURY WAIVERS, ARBITRATION CLAUSES AND FORUM  
SELECTION PROVISIONS?**

June 2019  
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**LAWYERS' ROLE KEY TO PRESERVING AND  
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March 7, 2009  
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**NEW FEDERAL CASE EXPANDS RIGHTS OF DISABILITY  
INSURANCE CLAIMANTS**

*Slupinski v. First Unum Life Insurance 2nd Circuit  
Attorney Fees and Interest Awarded*  
February 2, 2009  
www.msek.com

**LIBERALIZING DISCOVERY IN ERISA DISABILITY  
INSURANCE CASES**

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## Kevin Schlosser Seminars

Participates in New York State Bar Association's Panel Discussion  
*There Has to be a Better Way: Changing How We Practice to Obtain Professional Satisfaction*  
May 6, 2023

Participates in New York State Bar Association's Panel Discussion  
*An Evening with the Commercial Division Justices*  
September 17, 2020

Panelist at the New York State Bar Association's Commercial and Federal Litigation Section  
*Restrictive Covenants: The Good, the Bad and What the Future Holds*  
June 17, 2020

Participates in New York State Bar Association's Panel Discussion  
*An Evening with the Commercial Division Justices*  
June 14, 2017

Moderator at the New York State Bar Association's Panel Discussion  
*An Evening with the Commercial Division Justices*  
June 21, 2016

Speaks at the New York County Lawyers' Association CLE Program  
*Noncompetition and Confidentiality Provisions in Employment Agreements: Current Status of the Law in New York and State and National Trends*  
November 4, 2015

Participates in New York State Bar Association's Panel Discussion  
*An Evening with the Commercial Division Justices*  
June 8, 2015

Moderates for American Inns of Court  
*Litigation Overload Facing Federal and State Courts-Trying to Stem the Tide & What Makes a Great Commercial Court*  
May 27, 2015

Participates in the State Commercial and Federal Court Round-Up Program  
June 4, 2014

Participates on Panel for the Hofstra Law's Moot Court Board  
March 13, 2014

Moderates NBI Program  
*As Judges See It: Top Mistakes Lawyers Make in Civil Litigation*  
June 7, 2013

Speaks at Nassau Academy of Law Program  
*Advice from the Experts: Successful Strategies for Winning Commercial Cases in New York State Courts*  
May 9, 2013

Chairs Civil Action Program at the Theodore Roosevelt American Inn of Court  
*Strategies and Techniques of Direct and Cross Examination of Witnesses at Trial*  
February 11, 2013

Participates in the Hofstra Law Intramural Competition  
January 24, 2013

Serves as Instructor at the Hofstra Trial Techniques Program  
*The National Institute of Trial Advocacy and the E. David Woycik, Jr. Intensive Trial Advocacy Program*  
January 4, 2013

Speaks at Suffolk Academy of Law CLE Program  
*Strategies and practical advice for maximizing the effectiveness of each stage of the litigation*  
October 11, 2012

Presents in First Ever Joint Seminar for Appellate Division Justices  
April 25, 2012

Presents CLE to Suffolk County Bar Association with the Honorable Emily Pines  
*The CPLR in Everyday Practice*  
April 19, 2012

Speaks at the Theodore Roosevelt American Inn of Court at the Nassau County Bar Association  
*A Civil Action - Jury Selection*  
February 15, 2012



## Kevin Schlosser Seminars

Speaks at the Alexander Hamilton Inn of Court at Touro Law School

*Alexander Hamilton Inn of Court Program on Injunctions*

January 24, 2012

Presents CLE on Expert Witness Discovery at Nassau County Bar Association

June 2, 2011

Speaks at the Nassau County Bar Association

*E-Discovery: What the Litigator Needs to Know to Avoid Professional Liability*

June 7, 2010

Presents CLE to ACC-GNY Corporate Counsels

June 8, 2011

Achieving 20-20 Hindsight: Practical Solutions to Avoid Rescission, Unenforceability and Misinterpretation of Your Contracts

June 8, 2011

Presents CLE to Inns of Court

April 19, 2010

Presents CLE to Inns of Court

*Undoing the Done: Contract? What Contract?*

February 3, 2009

Kevin Schlosser Participates as a CLE Instructor at the Annual Meeting at the American Bar Association

*Zapped! The New and Complex World of E-Discovery*

August 8, 2008

Presents Seminar for the New York State Bonding Initiative

*Legal Aspects of Contract Management and Key Issues Regarding Tort Law in the State of New York*

May 8, 2008

Lectures at Hofstra Law School

March 20, 2008

Participates at the Federal Civil Practice Update - CLE

May 15, 2007

Speaks at the Theodore Roosevelt American Inn of Court at the NCBA

*Inadvertent Waiver of Attorney- Client and Work Product Privileges in the Electronic Age*

February 8, 2007

Presents Construction Law Seminar

*Construction Management Training Course*

July 18, 2006

Presented CLE with the Honorable Leonard B. Austin to the Westchester Women's Bar Association

*Electronic Discovery: The New Frontier, An Interactive, Practical Guide to the Latest State and Federal Principles*

October 5, 2006

Speaks at First American Title Company

*Electronic Evidence in Litigation- the New Frontier*

May 17, 2005

Speaks at the Theodore Roosevelt American Inn of Court at the Nassau County Bar Association

*Electronic Discovery*

May 12, 2005

Speaks at the Nassau Academy of Law, Nassau County Bar Association

*Super Sunday Civil Litigation CLE Program Segment on Electronic Discovery*

January 11, 2004

Speaks at the Nassau County Bar Association

*Electronic Discovery*

October 27, 2004

Speaks at the New York State CPA Society

*What a savvy litigator looks for in a financial expert witness*

November 24, 2003

Speaks at the Nassau Academy of Law, Nassau County Bar Association

*Mastering Civil Litigation - Electronic Discovery*

December 2, 2003