

KEVIN N. ANDERSON

Attorney / Partner | Salt Lake City, Las Vegas Licensure: UT, NV, DC, OH

Biography

Business disputes can be very complex. Kevin Anderson has the professional experience and resources available at Fabian VanCott to assist clients in complex litigation cases when they are facing difficult problems or have already faced defeat.

Kevin is one of Fabian VanCott's most experienced trial attorneys with over 40 years of litigation experience in state and federal courts, arbitration, mediation, and administrative forums. Kevin has prevailed in highly publicized cases against the NCAA and the FBI.

He has handled many cases in Utah, Nevada, Ohio, and other jurisdictions, involving a variety of complex commercial contract disputes, force majeure, ownership disputes in closely held businesses, fiduciary relationships, defense of reputation and corporate image, securities fraud, banking, real-estate transactions, and intellectual property.

Kevin is also an active mediator and arbitrator.

Kevin graduated from Georgetown University Law Center and is admitted to practice in Utah, Nevada, the District of Columbia, Ohio, the 9th, 10th, and District of Columbia U.S. Circuit Courts of Appeal, and the U.S. Supreme Court.

Practice Areas

BANKRUPTCY LITIGATION

EMPLOYMENT LITIGATION

ENERGY, NATURAL RESOURCES
& ENVIRONMENTAL

ENERGY & ENVIRONMENTAL
LITIGATION

GOVERNMENT & AGENCIES

TRUST & ESTATE LITIGATION

ADMINISTRATIVE PROCEEDINGS
& LITIGATION

LITIGATION, TRIALS & APPEALS

COMMERCIAL LITIGATION

REAL ESTATE LITIGATION

TRIALS

INTELLECTUAL PROPERTY
LITIGATION

Professional History

In addition to the litigation discussed above, Kevin has handled cases eminent domain and condemnation, securities fraud, insurance coverage and benefits, banking, real estate transactions, employment agreements and alleged breaches of covenants not to compete, and Indian law. Kevin has been involved in all aspects of litigation, arbitration, mediation, and settlement negotiations. For example, Kevin led a team of Fabian VanCott attorneys in representing the co-owner of Crandall Canyon Mine



FABIAN VANCOTT

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Education

J.D., Georgetown University Law
Center, 1981

B.A., University of Utah, 1978

Professional History (cont'd)

in connection with catastrophic events at the Mine in August 2007, in the court room, with the press, and with governmental authorities. As lead attorney, Kevin conducted negotiations involving multiple plaintiffs, insurance companies, and co-defendants to reach a settlement of all claims for all parties in less than two years. Kevin also assisted with investigations by the Mine Safety and Health Administration, Federal Mine Safety and Health Review Commission, several Congressional committees, Department of Labor, Utah Mine Safety Commission, and other government agencies.

Kevin has handled employment related matters including conducting internal investigations and actions involving breach of employment contracts, breach of implied employment contracts, recovery of unpaid wages, compensation, severance pay, and other general compensatory and consequential damages.

Kevin has analyzed, litigated, mediated, and been a neutral and party-appointed arbitrator in cases in Utah, Nevada, and other jurisdictions. He has been involved in contract negotiations and renegotiation. He represented the University of North Dakota against the NCAA's attempt to stop it from using its "Fighting Sioux" nickname and logo. Kevin prevented the FBI from gaining access to top-secret government documents leaked to his father, Jack Anderson. Other cases have involved performance of technology sharing agreements, commercial lease disputes, fraud, and the enforcement of alleged verbal agreements. Kevin has analyzed and litigated numerous claims of force majeure under fuel supply contracts.

- Member, Utah Mining Association Board of Directors, 2007-present; Executive Committee, 2009-present; President, 2020-2021
- Admitted to the U.S. Supreme Court, 2016
- Admitted to the Ohio Supreme Court, 2015
- Admitted to D.C. Circuit Court of Appeals, 2013
- Admitted to Ninth Circuit Court of Appeals, 2008

- Admitted to D.C. Bar, 2005
- Admitted to Nevada State Bar, 1992
- Member, Utah Supreme Court Advisory Committee on Civil Procedure, 1991-1993
- Admitted to Tenth Circuit Court of Appeals, 1985
- Admitted to the Utah State Bar, 1981

Publications and Presentations

- Presenter, "Disaster Response - Don't Forget ESI," at the Intermountain eDiscovery 2010 conference, September 24, 2010, Salt Lake City
- Presenter, "Protecting the Privilege," at the Intermountain eDiscovery 2009 conference, May 28, 2009, Salt Lake City
- Presenter, "Preparing for Dispute Resolution - Protecting Privilege, Confidentiality, and Work Product," Las Vegas, Nevada, 2008
- Lecturer, "Managing Risks in a Changing Market - A Legal Perspective, Coal: Volatile Markets & Risk Management," Electric Utility Consultants, Inc. (EUCI), 2005
- Lecturer, "Duty to Preserve Evidence - Spoliation and Electronic Data Discovery," Corporate Counsel Section, Utah State Bar, 2004
- Lecturer, "Tribal Taxation Issues," The Public Utilities and Transportation Taxation Committee, et al., 1996
- Lecturer, "Coal & Transportation Strategies," Long Term Contract Consultants, Inc., 1995
- Lecturer, "Coal Contracting Strategies," Long Term Contract Consultants, Inc., 1994
- Lecturer, "The Role of Utility Auditors in Litigation or Arbitration," Utilities Training Conferences, Inc., 1993, 1990

Publications and Presentations (cont'd)

- Lecturer, "Coal Procurement Strategies Based on Clean Air Act Requirements," Long Term Contract Consultants, Inc., 1992
- Lecturer, "Obtaining a Collection Judgment," Utah Collection Law Seminar, Professional Education Systems, Inc., 1986, 1988
- Course Instructor, "Aviation and the Law," Salt Lake Community College, 1992
- Panel Member, "Deposition Strategies, Tactics and Mechanics," Professional Education Systems, Inc., 1990
- Panel Member, "Teamwork: Litigation, Lawyers and Legal Assistants," Legal Assistants Association of Utah, 1990
- Author, "Tribal Authority to Tax, Journal of Property Tax Management," v. 8, no. 4, Spring 1997
- Co-Author, "Slow Justice: Looking for Land With the Paiutes," Utah Holiday, August, 1982
- Author, "Indian Employment Preferences: Legal Foundations and Limitations," 15 Tulsa Law Journal 733, 1980
- Member, Salt Lake City Tracy Aviary Advisory Board, 1984-1992; Advisory Board reported directly to the Office of the Mayor on issues relating to one of two municipal owned aviaries in the United States; Chaired Capital Improvements Committee which administered over \$1 million in capital improvements

Recognition and Awards

- Recognized by The Best Lawyers in America as outstanding in Litigation
- Recognized by Mountain States Super Lawyers as outstanding in Complex Commercial Litigation since 2007
- Recognized as Litigation Star in Utah in Benchmark Litigation: the Guide to America's Leading Litigation Firms and Attorneys since 2011
- Rated AV by Martindale-Hubbell

Community Service

- Member, Salt Lake Chamber Capitol Club, 2010-2012
- Trustee, Legacy Christian Fellowship of Las Vegas, 1998
- Member, Las Vegas Chamber of Commerce, 1992-1998; Business/Education Collaborative, Funding and Resources Committee, 1993-1995; Member of the Women's Council
- Trustee, Friends of the Tracy Aviary, 1986-1993; One of the founders of nonprofit group to help raise funds for the Tracy Aviary