



Cullen | Dykman

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## Kyle G. Kunst

### Partner

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Kyle G. Kunst is a Partner in the firm's Commercial Litigation Department. He represents Fortune 500 companies, closely held family businesses, and individual businesses in all manners of litigation. Kyle's extensive expertise spans various practice areas, including complex commercial disputes, trade secrets, shareholder derivative actions and partnership disputes. Throughout the litigation process, Kyle is deeply involved, from filing the first pleading through discovery, motion practice, and trial proceedings. He also provides strategic guidance to clients facing government investigations at both state and federal levels. Kyle regularly appears in federal and state courts of New York and New Jersey. Notably, he has been recognized by Super Lawyers in Business Litigation from 2021 through 2023.

## Practices

- Commercial Litigation
- Appellate Litigation
- Commercial Contracts Disputes
- Intellectual Property
- Intellectual Property Litigation
- Labor and Employment
- Products Liability
- Bankruptcy Litigation

## Industries

- Financial Institutions

- Insurance
- Real Estate

## Bar Admissions

- New York
- New Jersey
- California
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court for the District of New Jersey
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- Second Circuit Court of Appeals
- Ninth Circuit Court of Appeals

## Education

- J.D., New York Law School, *cum laude*, 2011
- B.A., University of California, Davis, 2007

## Representative Experience

- Judgment in favor of client, dismissing \$22 million claim of delayed rail shipments, in the Eastern District of New York.
- Judgment finding client's copyright was infringed in the Southern District of New York.
- Order placing opposing party's commercial property in receivership, later upheld on appeal by New York's First Appellate Division.
- Judgment in favor of client on all causes of action after a bench trial, declaring client was entitled to more than \$14 million in reimbursement for insurance premium payments, with a declaration that client was not required to make a further payment, in the New York Supreme Court, Commercial Division.
- Multi-million-dollar judgment in favor of the client, including attorney's fees, after a two-week jury trial for federal and state deceptive trade practices and misappropriation of trade secrets in the District Court of Alaska, later affirmed on appeal by the Ninth Circuit.
- Judgment in favor of the client, later affirmed on appeal, in a precedent-setting case regarding the ability of an employer to contract for the reimbursement of training costs from an employee.
- Obtained order from the District Court of New Jersey enjoining defendant from entering into a merger until defendant fully paid overdue settlement amounts.
- Obtained order reversing arbitration award of more than \$2 million against the client.

- Favorable settlement for a client with defendant alleged to have violated client's trademark using social media in a case in the District Court of Nevada.
- Favorable settlement for client, a plaintiff alleging False Claims Act whistleblower retaliation, who had also received a relator's portion of the United States' settlement with the defendants in the Northern District of California.
- Full dismissal of all claims by the Danville, Virginia Superior Court against the client for lack of personal jurisdiction in toxic tort/products liability action.
- Full dismissal of all claims while summary judgment pending in toxic tort/products liability action in Kings County, New York.
- Full dismissal of all claims during expert discovery in toxic tort/products liability action in the Eastern District of New York.
- Arbitration regarding breach of Department of Defense-administered contract.
- Arbitration regarding breach of contract securities purchases contract.