



Kenney & Sams, P.C.

10 Celebrating
of Excellence **Years**



Greetings!

As we approach our 10 year anniversary at Kenney & Sams, P.C., our goal is to continue to share valuable information to you, our clients and friends.

Thank you for entrusting us with your important work or valuable referral. We appreciate your friendship, trust and confidence in our firm.

New Associates

Kenney & Sams, P.C. welcomes **Sakib Kahn** as an associate to the firm.

Sakib's practice focuses on advising clients regarding contract negotiations and understanding inherent risks in contracts for design and construction services. He has served as lead counsel on numerous matters involving construction delay claims, payment disputes, unforeseen conditions claims, extra work claims, construction defects and design professional malpractice.



Sakib Kahn

Sakib is a graduate of Columbia University (with a Bachelors of Science in Civil Engineering and Construction Management) and of Boston College School of Law.

Around the Firm

Chris Kenney was recently appointed to serve as the Director of the IADC Trial Academy at Stanford University Law School.



The International Association of Defense Counsel Trial Academy is one of the oldest and most respected programs for developing trial advocacy skills. The faculty consists of leading defense trial

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K&S RECENT SUCCESSSES



REAL ESTATE

Mike Sams and Ryan Menard won arbitration for their client, a charter school, against the School's landlord. K&S obtained an award of close to \$1,000,000 for overcharged common area maintenance expenses by the landlord.

Chris Kenney and Ryan

lawyers selected on a national basis from different regions of the country. Chris was a faculty member of the 2011 Trial Academy.

David Kerrigan recently served as a faculty member in *The National Trial Advocacy's* Boston Trial Skills Program at the Moakley Courthouse. Boston area high school students from mock trial teams served as jurors in the nine mock trials. Faculty members included lawyers from across the country.



Symposium tackles consumer issues on food, seafood mislabeling

The Massachusetts Bar Association's Consumer Advocacy Task Force, chaired by MBA Vice President **Christopher A. Kenney**, recently hosted its Second Annual Consumer Advocacy Symposium, which featured panels of experts, who addressed the legal issues and litigation triggered by food labeling and mislabeling.

Jaimeson Porter of Kenney & Sams, moderated the panel tackling legal issues surrounding the mislabeling of seafood, and the steps that have been taken to try to rectify these issues.

Following the panel discussions, MBA Pinnacle Awards were presented to Fresh Truck and Market Basket. The Pinnacle Awards highlight companies that take proactive steps to protect the consumer and employ business practices, which serve as positive models to others.

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Construction Contract Workshop

Menard recently succeeded in defeating an injunction and forcing the dismissal of a lawsuit against our client, a real estate developer, in connection with alleged slanderous statements made at a public meeting.

After the dismissal, we filed a motion to recover our client's fees and costs, because the plaintiff's lawsuit was frivolous. After briefing and oral argument in Superior Court, the Court ordered our client's adversary to pay our client for the attorneys' fees and costs it incurred in successfully defending against the suit.

Mike Sams and Tony Deprosio recently settled a case for a real estate investor purportedly in default of a purchase and sale agreement and facing possible forfeiture of a six-figure deposit. After Mike and Tony obtained an order of *lis pendens* on the property, the sellers not only returned the deposit to our client but they also compensated him for all costs incurred, including attorney's fees, and an additional payment of over \$100,000.

EMPLOYMENT

Mike Sams and Lindsay Burke won an arbitration at JAMS on behalf of the CEO of a manufacturing company who was deprived of the value of his Performance Shares upon his termination from the company. The employer

Sakib Kahn will participate as faculty for a Construction Contract Workshop on Friday, May 13th sponsored by Halfmoon Education, Inc.

The continuing education workshop will include examining contract terminology, types of construction contracts, roles and relationships of project participants, and the law of construction contract interpretation.

For more information visit: www.halfmoonseminars.org/webinars/

Articles of Interest



Employers with Salaried Employees Beware

By: Ryan Menard

The federal Department of Labor is set to issue new regulations that will require Massachusetts employers to pay overtime to salaried workers making less than \$50,440 a year. The increased salary requirements could take effect as early as this spring.

[Real Full Article Here:](#)

5 Easy Ways Smart Companies Decrease Employment Risk, And Keep Employees Happy

By: Jaimeson Porter



There's nothing more frustrating for a manager or business owner than when an employee repeatedly fails to meet expectations. Know what else feels frustrating? Being disciplined by a manager for job expectations that were never properly communicated.

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claimed the COO owed close to \$200,000 in allegedly misappropriated salary. Through arbitration, K&S established that the client was the one actually due payment of close to \$200,000 for 'phantom shares' in the company he earned pursuant to an employment agreement.

In a case brought against an employer under Massachusetts Wage Act on behalf of a former employee, **Chris Kenney and Tony DeProspro** recently obtained in federal court a \$700,000 attachment on the employer's assets. The court found that the employee had a likelihood of success on the merits at trial in an amount equal to at least the amount of the attachment.

INTERNATIONAL

Chris Kenney and Ross Wecker recently represented a Fortune 500 company in a complex business dispute against an Indian corporation and its principal. Pursuant to the contract between the parties, disputes had to be resolved by arbitration in Boston, Massachusetts before the International Center for Dispute Resolution (ICDR). Working in collaboration with an Indian law firm, we succeeded in forcing a substantial settlement in our client's favor.

Chris Kenney was a legal consultant on the Jordan Levy



Does a Homeowner's Oral Waiver of Building Code Violation Protect The Contractor Against Liability?

By: Roddy Ames

If a contractor is asked to follow a homeowner's instructions and violate the building code, and even if the homeowner waives any claims against the contractor, the contractor cannot risk violating the building code. If an owner continues to insist that its contractor commit a building code violation, the unfortunate but likely best option is to walk away from the job.

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Help! Is My Customer List A Trade Secret?

By: Lindsay Manning Burke

At some point, most commercial and intellectual property litigators have faced this situation. Your client comes to you, furious: A trusted employee has left the company and struck out on his own, and taken your client's customer list with him. Can your client do anything to prevent this former employee from stealing its customers?

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Show (WTAG radio) regarding Justice Antonin Scalia's impact on Supreme Court jurisprudence over the past quarter century.



Lindsay Manning Burke has joined the Board of Trustees of the Women's Bar Foundation, which provides legal services to low-income women in Massachusetts.



Mike Sams chaired the faculty of a half-day trial program on making objections, at Massachusetts Continuing Legal Education on March 9.

Frank Sally has become a member of The Nisi Prius Club.

Listen to what our clients are saying:



*"I wouldn't have felt better being represented by any other legal team."
An HVAC company*



WE WOULD LOVE TO HEAR FROM YOU! Please feel free to share with us your thoughts about this newsletter, questions about any of our activities and suggestions for future programs.

Kenney & Sams, P.C. | 617-722-6045 | events@kandslegal.com | <http://www.kandslegal.com>

Old City Hall
45 School Street
617-722-6045
Boston, MA 02108