

Richard J. Keshian

Partner

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Services

Alternative Dispute Resolution

Business & Finance

Catastrophic Injury

Class Action Defense

Eminent Domain & Condemnation

Law

Litigation

Product Liability

Industries

Media & Entertainment

Retail & Consumer Goods

Rich Keshian has extensive experience in civil litigation, concentrating in product liability and business litigation. He has tried more than 80 jury trials to verdict in federal and state courts, including class actions, trade secret, breach of contract, product liability, personal injury and wrongful death, property tax appeals, and eminent domain (condemnation) cases. Mr. Keshian is a certified mediator and arbitrator. He has represented numerous clients in the automotive, trucking, and furniture industries and other manufacturing industries regarding product liability issues. Mr. Keshian is also an adjunct professor at Wake Forest School of Law. During law school, Mr. Keshian was an Editor of the *Vanderbilt Law Review*.

Mr. Keshian has consistently been recognized in *The Best Lawyers in America*[®] for Commercial Litigation, Product Liability and Eminent Domain. He was also named "Lawyer of the Year" in the area of Product Liability Litigation — Defendants and "Lawyer of the Year" for Eminent Domain by *The Best Lawyers in America*[®]. Mr. Keshian has also repeatedly been named a North Carolina "Super Lawyer" in Business Litigation by *Super Lawyers* magazine, and top rated lawyer in Litigation by *Corporate Counsel*, *American Lawyer* and the *National Law Journal*. Mr. Keshian received the 2008 Pro Bono Impact Award from *Business Leader Media*. He has also consistently been voted by North Carolina attorneys as a member of "Legal Elite," one of the best litigation attorneys in North Carolina in *North Carolina Business* magazine. Mr. Keshian is consistently listed in *Chambers USA: America's Leading Lawyers for Business* in the area of General Commercial Litigation. He is AV[®] rated by Martindale-Hubbell*.

*CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the



Martindale-Hubbell certification procedure's standards and policies.

Experience

Successfully defended class action related to allegedly faulty marine products in federal court in Charleston, South Carolina, resulting in denial of class certification and a dismissal of the case.

Represented national telecommunications company in national class action involving alleged violations of the TCPA with exposure in excess of \$50 million.

Represented leading logistics company regarding indemnity issues arising out of patent litigation.

Represented one of the leading heavy truck and engine manufacturer against allegations of negligence and breach of warranty and product defect claims in alleged violation of the Magnuson Moss Warranty Federal Trade Commission Improvement Act.

Represented a financial institution arising out of allegations of RICO, fraud, and civil conspiracy regarding alleged theft of coal and related loan transactions.

Represented Krispy Kreme Doughnut Corporation Inc. against claims of negligence, gross negligence and punitive damages arising out of the alleged negligence of a company employee. Obtained summary judgment. Upheld on appeal to the North Carolina Court of Appeals.

Represented a leading global specialty pharmaceutical company in product liability claims arising out of hormone therapy replacement drug.

Represented Volvo Penta of the Americas in a nationwide putative class action brought in the United States District Court for the District of South Carolina asserting claims for product liability/breach of warranty, quantum meruit/unjust enrichment, and conversion arising out of allegedly defective marine propulsion products. After more than 16 months of district court litigation, plaintiffs abandoned the class allegations asserted against firm client Volvo Penta.

Represented several telecommunications companies in class actions arising out of the Telephone Consumer Protection Act, contract actions, and unfair and deceptive trade practices claims.

Represented North American truck company in commercial, product liability, catastrophic injury and class action litigation.

Represented both property owners and condemning authorities, state, municipalities and businesses with



regard to eminent domain actions in state and federal courts throughout Southeast region of the United States.

Represented major sports media company in high profile action involving civil conspiracy, breach of fiduciary duty, unfair trade practice and related causes of action arising out of bid process and contract award for public university sports multi-media rights.

Represented Outback Steakhouse and its affiliates in contract, declaratory judgment and restrictive covenant issues.

Represented defendant in class action involving alleged defects in commercial truck diesel engines with exposure in excess of \$250,000,000. Successfully defeated class certification leading to nominal settlement with class.

Represented Dan River Inc. in declaratory judgment action against ALS arising out of alleged false advertising claims. After extensive discovery, ALS agreed to dismiss their counterclaim and agreed not to challenge Dan River's right to manufacture and market its product. *Dan River, Inc. v. ALS Enterprises, Inc.*, Case No. 4:06 CV 00002, (W.D. Va. 2006).

Obtained successful defense verdict for national Class 8 truck manufacturer in class action involving contract, Uniform Commercial Code, and Unfair and Deceptive Trade Practices allegations.

Represented national company in legal action against former CEO involving breach of fiduciary duty, misappropriation of company assets and proprietary information, unfair trade practice and related causes of action. Successfully obtained temporary restraining order and preliminary injunction.

Represented numerous plaintiffs in catastrophic injury and wrongful death actions.

Represented Pulmonetic in a product liability action arising out of the death of a minor child, who had been in an automobile accident in 1999 that left him paralyzed and dependent on a ventilator. The minor plaintiff died in 2006, and plaintiffs allege negligence and product design defects against corporate defendants. Besides negligence claims against Brown, various product liability theories were alleged against Pulmonetic and Datex-Ohmeda, Inc., the manufacturer of the 3900 pulse oximeter, as well as Apria Health Care, Inc., which sold both devices. All claims against the company have been dismissed.

Represented Avery Dennison Corporation, a producer of consumer products, pressure-sensitive adhesives and materials, in a catastrophic injury action and related insurance action.

Represented a leader in telecommunication services in connection with alleging over-billing of switched access



usage charges in violation of the Interstate Access Tariff and related federal tariffs and regulations.

Represented a leader in telecommunication services in connection with alleging over-billing of switched access usages chargers in violation of Interstate Access Tariff and related federal tariffs and regulations.

Successfully represented a furniture manufacturer in litigation arising out of improper valuation and accounting by seller of retail markets.

Successfully defeated a contested class certification motion for Volvo Group North America, LLC, in a nation-wide breach of warranty case in the United States District Court for the Middle District of North Carolina. The plaintiffs filed suit against our client asserting claims based on alleged defects in two models of Volvo's high-displacement diesel engines. The plaintiffs alleged that defects in various systems of the engines led to repeated malfunctions and breakdowns of the trucks in the field and that Volvo was unable to develop and implement adequate solutions to the defects. Five days after the court held a hearing on the class certification motion, the judge entered an order denying the plaintiffs' motion for class certification. The court found that the plaintiffs failed to show how they could prove any issue central to the validity of their claims on a class-wide basis. The court also found that the plaintiffs failed to address the substantial choice of law issues or how the court could address the material variances in state law.

Represented a leader in the design and manufacturer of portable, mechanical ventilators for home health care in a product liability action arising out of the death of a minor child who had been in an automobile accident that left him paralyzed and dependent on a ventilator. The minor plaintiff died and the parents alleged negligence and product design defects. All claims against client dismissed.

Education

Vanderbilt University, J.D. (1982)

Duke University, B.A. (1979) *with honors*

Admissions

North Carolina (1983)

Tennessee (2015)

Court Admissions

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of North Carolina



U.S. District Court for the Western District of New York

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Supreme Court

Professional & Community Activities

Mediator certified by the N.C. Dispute Resolution Commission for N.C. Superior Courts and the U.S. District Court, M.D.N.C.

Member, large complex case panel of Arbitrators and Neutrals for the American Arbitration Association

American Bar Association, Tort Insurance Practice Section, Property Insurance Section, Chairman of Publications

Association of Defense Trial Attorneys, Member

The Defense Research Institute, Member

Home Owners Annotations Publication, Regional Editor

North Carolina Association of Defense Attorneys, Member

North Carolina Bar Association, Administration of Justice Study Committee, Member

River Run International Film Festival - Board of Directors

Tort Insurance Practice Section Annual Survey, Property Law Survey, Editor and Author

Vanderbilt Law Review Editorial Board, Member

Wake Forest Law School Moot Court Board Judge

Winston-Salem Davis Cup Organizing Committee, Member

Winston-Salem Open Tennis Tournament, Board of Directors and Legal Counsel

Insights

[News Releases](#)

36 Kilpatrick Townsend Attorneys Named to the 2019 North Carolina Pro Bono Honor Society

May 28, 2020

[Alerts](#)

Impact of the COVID-19 Pandemic on Impossibility, Impracticability, and Frustration of Purpose Contract Defenses under North Carolina Law

April 24, 2020



[News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from *Chambers USA 2020*

April 24, 2020

[Alerts](#)

Impact of the COVID-19 Pandemic on Force Majeure Defenses Under North Carolina Law

April 13, 2020

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2020 North Carolina Super Lawyers

February 27, 2020

[News Releases](#)

Best Lawyers in America® 2020 Names Kilpatrick Townsend Attorneys "Lawyers of the Year"

August 15, 2019

[News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

[In The News](#)

35 Kilpatrick Townsend Attorneys Named to the North Carolina Pro Bono Honor Society

May 24, 2019

[News Releases](#)

Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2019 North Carolina Super Lawyers

January 28, 2019

[In The News](#)

The Proof Is Positive! Winter Newsletter 2018

November 28, 2018



[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019
August 20, 2018

[News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2018
May 11, 2018

[Events](#)

Alternative Dispute Resolution Procedures: Winning Without Going to Court
May 1, 2018

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 North Carolina Super Lawyers
February 6, 2018

[News Releases](#)

Kilpatrick Townsend Attorneys Selected To Business North Carolina Magazine's 2018 "Legal Elite"
January 11, 2018

[Publications](#)

Filing an early motion to strike class allegations
August 23, 2017

[News Releases](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018
August 15, 2017

[News Releases](#)

Best Lawyers in America® Names Kilpatrick Townsend Attorneys 2018 Lawyers of the Year
August 16, 2017

[News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2017
May 30, 2017



[Publications](#)

Using Expert Testimony To Establish Class-Wide Damages For Partial Refund Or Reimbursement Claims

April 4, 2017

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2017 North Carolina Super Lawyers

January 30, 2017

[News Releases](#)

Kilpatrick Townsend Launches KT Class Action Blog

January 19, 2017

[News Releases](#)

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016

[In The News](#)

Kilpatrick Townsend's Media Report October 2-8, 2015

October 9, 2015

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015