

**Kathryn D. Kirmayer**

Partner
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Practice Areas

- Litigation
- Trial Practice
- Complex Litigation
- Antitrust
- International Dispute Resolution
- International Arbitration

Kathryn D. Kirmayer is a trial attorney who specializes in complex business litigation and arbitration. Kathy has particular expertise in disputes that disrupt or threaten to disrupt long-term commercial relationships, such as joint venture disputes, long-term supply disputes, and licensing disputes. She is experienced in the unique challenges posed by litigation and arbitration against critical business partners, whether long-term joint venturers or key suppliers or customers. Kathy is the Chair of the firm's Litigation Group in D.C., whose attorneys handle business disputes of all types, including contract, business torts and fraud, unfair competition and trade practice, and licensing. Her active docket also usually includes antitrust recovery matters on behalf of long-term firm clients, as well as substantial pre-litigation counseling.

Currently, Kathy is representing a Class I freight railroad in multi-district class action litigation alleging a price-fixing conspiracy related to fuel surcharges; a small technology company in patent litigation against a major cigarette manufacturer related to technology for preventing the formation of certain carcinogens in tobacco, and several major computer OEMs in litigation against DRAM memory chip manufacturers to recover damages arising out an international price-fixing conspiracy.

Recently, Kathy represented AT&T in its litigation against the United States related to the proposed merger with T-Mobile. Kathy also was one of the lead trial counsel for Enron Creditors Recovery Corporation in its landmark lawsuit against several investment banks for their role in the collapse of Enron. Other typical representations include representation of a Class I railroad in AAA arbitration against a partnership of coal producers over a long-term transportation relationship, representation of a Fortune 500 transportation company in a series of ICDR arbitrations arising out of the sale of an international container shipping business to a Danish company, representation of a biotechnology company in a private inventorship dispute with a joint development partner, and representation of a Swiss company in

an ICC arbitration arising out of a patent licensing dispute involving *in vitro* fertilization technology. She also has served as trial counsel in patent infringement litigation involving industries as diverse as tobacco and microscopy.

Kathy joined the firm in 1989 after earning her law degree *magna cum laude* from Washington & Lee University School of Law, where she was a member of the *Law Review* and the Order of the Coif. She has a B.A. in psychology from Williams College, where she was captain of the swim team and a four-year All American. She is a member of the American Bar Association Sections on Litigation and Dispute Resolution, and the Intellectual Property Owners Association's Arbitration and Mediation Committee, and she previously served on the Task Force on Civility of the D.C. Bar Association. Kathy is a member of the bar of the District of Columbia. She lives in Maryland with her two children, and is an avid open water swimmer.

Education

- Washington & Lee, J.D., *magna cum laude*, The Order of the Coif
- Williams College, B.A. Psychology

Affiliations

Admitted to Practice: District of Columbia

Publications

- "How Tomorrow Moves: CSX Uses Scorecards to Help Outside Counsel Stay on Track," *ACC Docket* (October 2011). Co-Authors: Thomas I. Anderson, Kathryn D. Kirmayer and Robert A. Lipstein.

Speaking Engagements

- "How to Prevent a Runaway Arbitration," American Bar Association Section of Litigation Annual CLE Conference (April 19, 2012). Panelist: Kathryn D. Kirmayer.
- "2011 Year-end Review of FTAIA Cases: Is The Pendulum Swinging Back Towards The Plaintiffs?," ABA Section of Antitrust Law, Civil Practice & Procedure, Trial Practice and International Committees (January 27, 2012). Panelist: Kathryn D. Kirmayer.