



John S. Kenefick

214.651.3342

jkenefick@macdonalddevin.com

Education and Professional Background

Northern Illinois University, Juris Doctor
1992, Cum Laude

Purdue University, Bachelor of Science,
1989

Admitted to Practice

Illinois, 1992

Texas, 1998

U.S. Court of Appeals for the Seventh
Circuit

U.S. Court of Appeals for the Fifth
Circuit

U.S. District Court for the Northern
District of Illinois

U.S. District Court, Northern, Eastern,
Southern and Western Districts of Texas

United States Supreme Court

John S. Kenefick, Shareholder

John S. Kenefick is a trial attorney who has successfully represented builders, contractors, trucking companies, product manufacturers, distributors and other business entities, in business and commercial disputes, as well as personal injury and property damage cases. He has tried over 25 cases to verdict in Illinois and Texas.

Representative Experience

- Successfully defended two clients in a product liability and construction defect in trial involving a roof collapse in which the plaintiffs asked the jury for almost \$30 million in damages. After a three and a half week trial, the jury returned a finding of no liability on the design defect claim, and awarded zero damages for the fair market value of the plaintiffs' businesses. The jury did return a small damage finding in favor of the plaintiffs, but since they found our clients only 9% and 19% responsible, the result was an award far less than the plaintiffs' pre-trial demands and the settlement offer made after the commencement of trial.
- Defended the largest water tank maintenance company in the U.S. at a trial concerning the construction and maintenance of a water system against an East Texas water utility. The case was favorably resolved four days into trial.
- Represented and favorably resolved claims against a large concrete contractor arising from the construction of an upscale high-rise condominium development.
- Successfully defended several high-end window manufacturers in multiple lawsuits arising from the installation of windows in residential construction involving EIFS siding.
- Obtained a settlement on very favorable terms (the lowest amount paid by any Third Party Defendant) on behalf of a window manufacturer and its distributor in a lawsuit involving the improper design and construction of a high-end custom home.
- Negotiated a favorable settlement on behalf of concrete subcontractor in a lawsuit alleging the improper design and construction of a three-story custom home.
- Obtained a favorable settlement for a refrigeration contractor in a lawsuit alleging the improper selection, design and installation of commercial refrigeration equipment at a meat processing plant.
- Negotiated a favorable "nuisance settlement" for the manufacturer of a conveyor drive gear in a case involving an amputation injury.
- Won a defense verdict for a motor carrier in a trial involving a brain-damaged plaintiff in the U.S. District Court for the Northern District of Texas.
- Attained a favorable settlement on behalf of a Texas-based paint manufacturer in a wrongful death case involving a workplace accident.
- Achieved dismissal for a roofing contractor in lawsuit involving a claim of a faulty roof installation.
- Argued and won a summary judgment for a bank for a slip and fall in a premises liability case.
- Received a defense verdict for a national fast food chain in a trial involving damages related to a roof collapse at a Texas franchise.



- Earned a defense verdict for a national fast food chain in a trial involving a wrongful arrest claim.
- Affected a favorable settlement of 1/4 of the pretrial demand after the Plaintiff rested his case in a trial involving a multiple vehicle truck accident. Jefferson County, Texas
- Won a defense verdict for a national retail store in the trial of a premises liability case in which the plaintiff was impaled on a clothing rack.
- Obtained a defense verdict for the owner and manufacturer in the trial of a case involving serious personal injuries arising from the use of a trampoline.
- Prevailed with a defense verdict for the manufacturer in the trial of a case involving serious personal injuries arising from a snowmobile accident.

Professional Affiliations

Dallas Bar Association
 Member Bench Bar Conference Subcommittee, 2003
 Texas Association of Defense Counsel
 Texas Bar Association
 Illinois Bar Association
 Defense Research Institute
 Web Page Chairman for DRI Trucking Law Committee

Honors and Recognitions

Named to the Construction Litigation practice area of *Corporate Counsel, Super Lawyers*, 2009
 Named *Texas Monthly* Super Lawyer, 2005, 2006, 2008, 2009
 American Jurisprudence Award in Sales (Art. 2. UCC) 1991
 American Jurisprudence Award in Torts, 1990

Selected Publications and Presentations

Co-author of the Texas Chapter of *Construction Litigation Desk Reference, A Fifty State Compendium*, published by DRI, February 2010

Developments in Indemnity and Additional Insured Agreements, presented at Business and Insurance Litigation Update, October 2009

Published article in DRI For the Defense: *Understanding Stigma Damage Claims*, June 2009

Published article in DRI For the Defense: *The Best Defense You Have Never Used*, August 2008

Presented *Who Owes Who What and When Do They Owe It?* at DRI Annual Meeting/Construction Law Committee in Washington DC, October 10, 2007.

Speaker at Macdonald Devin Construction Conference, Dallas Texas on *Use and Misuse of Experts in Construction Defect Cases, Plus: Top 10 Ways to Control Your Experts*, September 21, 2007.

Speaker, *Construction Defect Claims Handling - New Developments and Legislative Trends*, Macdonald Devin Construction Conference, Dallas, Texas,

Macdonald Devin
 3800 Renaissance Tower
 1201 Elm Street
 Dallas, Texas 75270-2130
 Telephone: 214.744.3300
 Facsimile: 214.747.0942
 macdonalddevin.com

September 29, 2006
Speaker, Bi-Annual Meeting, Texas Association of Defense Counsel, Fall
2002