



## Emma R. Wolfe

### Partner

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## OVERVIEW

Emma Wolfe is a partner at the firm's Nashville office and is a member of the Construction and Infrastructure practice group. Emma focuses her practice on assisting clients in a variety of disputes involving construction projects, including construction agreements, design and construction defect claims, and payment claims, among others. Emma also handles general complex commercial litigation related to contract, real estate, and development matters. She represents clients in arbitrations, as well as jury and bench trials in state and federal courts. In addition, Emma advises entities on other regulatory and standards issues including building codes, National Fire Protection Association codes and standards, and Facility Guidelines Institute guidelines.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Emma was a member of a full-service US law firm. She represented developers, owners, private companies, general contractors, manufacturers, and landlords.

## ACHIEVEMENTS

- Recommended lawyer in *The Legal 500*
- Listed in *Best Lawyers in America*® "Ones to Watch," for Commercial Litigation, 2022
- Benchmark Litigation United States, "40 and Under List," 2019–2022
- Named to Mid-South Super Lawyers Rising Stars, 2021-2022
- Kentucky Rising Stars list, Business Litigation, 2018–2021

## PROFESSIONAL / CIVIC ACTIVITIES

- Member, Tennessee Association of Construction Counsel (2018 - present)
- Board Member, Lexington Humane Society (January 2021 - present)
- Teaching Volunteer, Junior Achievement (2012 – 2022)

- Mentor, University of Kentucky College of Law, Kentucky Legal Education Opportunity (August 2014 and August 2017)
- Rotaract Club of Lexington
  - Member (July 2017 – July 2019)
  - Vice President (July 2016–June 2017)
  - Secretary (July 2015–June 2016)
  - International Service Committee Chair (July 2014–June 2015)
- Events Committee, Lexington Public Library Foundation (2015–2016)
- Street Law Co-Founder and Co-Coordinator, University of Kentucky College of Law Chapter (Spring 2010)
- Phi Alpha Delta Legal Fraternity, University of Kentucky College of Law Henry Clay Chapter
  - Member (Spring 2010–Spring 2011)
  - President (Fall 2009–Spring 2010)

## SPEAKING ENGAGEMENTS

- Presenter, “The Defend Trade Secrets Act (DTSA): 2017 Litigation Trends, Updates and Developments,” *The Knowledge Group*, 23 October 2017
- Presenter, “Social Media and eDiscovery,” *2016 Kentucky Bar Association, Kentucky Law Update*, 2 December 2016

## EDUCATION

- J.D., University of Kentucky College of Law, 2011 (*magna cum laude*; *Order of the Coif*)
- B.A., SUNY at Geneseo, 2007 (*Sigma Iota Rho* honorary; *Women’s Soccer*, 2003-2007, *Co-Captain*, 2006-2007)

## ADMISSIONS

- Bar of Kentucky
- Bar of Tennessee
- Supreme Court of the United States
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the Eastern District of Kentucky

- United States District Court for the Middle District of Tennessee
- United States District Court for the Western District of Kentucky

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 12 October 2023, Tennessee Supreme Court Holds Economic Loss Doctrine Does Not Apply to Construction Services Contracts
- August 2021, August 2021 Accolades

## OTHER PUBLICATIONS

- Co-author, “The Defend Trade Secrets Act. It’s Coming: What You Need to Know,” May 2016
- Wright & Welling, Federal Practice and Procedure Treatise, Vol. 3, Rule 33 New Trial (§§ 581-92), 4th ed. (Research and Writing Assistant).

## NEWS & EVENTS

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 3 February 2021, K&L Gates Launches Nashville Office with Hire of 25+ Lawyers

## AREAS OF FOCUS

- Construction and Infrastructure
- Commercial Disputes
- Construction and Infrastructure Dispute Resolution
- International Arbitration
- Offshore Construction
- Offshore Wind Energy
- Real Estate Development and Construction
- Real Estate Litigation

## INDUSTRIES

- Automotive
- Energy
- Energy Disputes
- Health Care Sector
- Manufacturing

## REPRESENTATIVE EXPERIENCE

- Successfully resolved an offshore wind ICC dispute for a developer involving construction defect and delay claims.
- Contractually navigated the termination of an interconnection agreement for a solar developer due to the failure of other parties to meet certain condition precedents.
- Defended a health care company regarding its sale of 5 hospitals and claims related to whether the seller had breached certain representations and warranties in the agreement related to the physical condition of one of the hospital - specifically the Life Safety Code, and other building codes. We received a total defense verdict in our client's favor after a four-week trial.
- Obtain a full-value resolution of a 8-figure payment dispute for a construction company using informal dispute resolution mechanisms.
- Represent a real estate company in a AAA construction defect dispute related to the construction of a medical office building.
- Represent a national general contractor on construction issues and disputes throughout the region.
- Represent general contractor in construction defect claim against subcontractor in AAA dispute. After an evidentiary hearing, we obtained an award in favor of our client for almost half a million dollars in damages.
- Defended general contractor in state court litigation dispute with an owner regarding construction delay claims where we obtained settlement for client, which resulted in continued relationship between parties.
- Represented a plaintiff in a federal court litigation tried before a jury. After a weeklong trial, the jury reached a multi-million dollar verdict in favor of our client.
- Defend partner in a closely held waterproofing construction LLC dispute related to misappropriation claims and judicial dissolution request. Obtained a favorable settlement for the client.
- Counsel for multiple commercial real estate landlords for matters related to the entities' respective leases, tenants, and contract disputes.

- Obtained a successful trial verdict for client in a commercial lease dispute for landlord, defeating plaintiff's putative class action allegations as well as claims for fraud, tortious interference, and breach of contract.
- Successfully defended a client in a claim for breach of fiduciary duty while obtaining ownership of a valuable parcel of real property.
- Negotiated a complicated closely held LLC membership dissolution, breach of fiduciary duty, and fraud claim that led to the client obtaining complete ownership of a company and assets valued in the millions.
- Obtained a favorable trial result in a Utah federal district court bench trial regarding a large tortious interference litigation concerning a complicated asset purchase agreement.