



## Terrence M. McKelvey

### Partner

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### OVERVIEW

Terrence McKelvey is a partner in the firm's Nashville office and is a member of the Commercial Disputes practice group. He has advised clients on a variety of matters in federal and state courts, and has experience in a number of subject matters, including contractual disputes, intra-corporate disputes, interference with business relationships, and unfair competition claims.

### PROFESSIONAL BACKGROUND

Prior to joining the firm, Terrence served as an attorney at a full-service U.S. law firm where he represented a variety of clients in complex business litigation.

### ACHIEVEMENTS

- *Best Lawyers in America*®
  - Ones to Watch, Commercial Litigation, 2021
  - Ones to Watch, Commercial Litigation and Mass Tort Litigation / Class Actions – Defendants, 2022

### PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association
- Nashville Bar Association
- Tennessee Bar Association

## EDUCATION

- J.D., Vanderbilt Law School, 2014 (*Notes Editor, Vanderbilt Law Review; Scholastic Excellence Awards in Torts and Bankruptcy*)
- B.A., Washington and Lee University, 2009 (*magna cum laude*)

## ADMISSIONS

- Bar of North Carolina
- Bar of Tennessee
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Eastern District of Tennessee
- United States District Court for the Middle District of Tennessee
- United States District Court for the Western District of North Carolina

## NEWS & EVENTS

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 March 2022, K&L Gates Names Nearly 40 New Partners, Of Counsel, and Government Affairs Advisors Across Firm
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

## AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation
- Class Action Litigation Defense

## REPRESENTATIVE EXPERIENCE

- Defended a North Carolina hospital system against breach of contract, unjust enrichment, and Unfair and Deceptive Trade Practices Act class action claims, and secured a complete dismissal of all claims asserted against the client at the motion to dismiss stage.

- Represented national hospital company in arbitration against former subsidiary following the spin-off of the subsidiary after which the newly-created company asserted claims in excess of \$400 million stemming from the spin in addition to claims and counterclaims related to certain transition services agreements. Following a four-week arbitration, the client national hospital company prevailed on the majority of the claims.
- Obtained \$757,712.08 judgment on behalf of former President and CEO of a manufacturing company following a federal court bench trial in a breach of contract lawsuit alleging that he was entitled to severance under his employment contract. Company alleged that he violated the non-solicitation clause in the contract, but the Court determined the non-solicitation was unenforceable under Wisconsin law and the company breached the contract by terminating him without cause. Trial court previously granted summary judgment in the company's favor, but client appealed and the team obtained reversal before the Sixth Circuit.
- Part of trial team defending Fortune 20 financial institution in 42 U.S.C. § 1981 case where former customer alleged that institution terminated the parties' banking relationship based on the former customer's ethnicity. Team obtained swift jury verdict in favor of client.
- Obtained summary judgment in federal court lawsuit where mortgagor sued Fortune 20 financial institution alleging he had been denied a modification of his mortgage based on his disability.
- Represented various financial institutions in a variety of mortgage origination and servicing related litigation.
- Represented the nation's largest private corrections company in a variety of lawsuits involving civil rights, general negligence, and medical malpractice.
- Represented national hospital company in lawsuits involving the enforcement of physician recruitment agreements.
- Represented two members of a commercial real estate company in complex business divorce dispute with their former partner.