

# Kelly D. Hine

## Partner

Dallas Office

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### Practices

FOCUS: Litigation  
Antitrust and Competition Litigation  
Appeals and Critical Motions  
Commercial Litigation  
Employment Litigation and Counseling  
Entrepreneurial Ventures  
Fiduciary and Private Client Litigation  
Intellectual Property Litigation  
Private Equity

### Industries

Technology

### Education

JD, Southern Methodist University  
Dedman School of Law, *magna cum laude*, *Order of the Coif*, *Order of the Barristers*, *Hatton W. Summers Scholar*  
BS, Southern Methodist University

### Bar Admissions

Texas

Kelly Hine helps businesses resolve disputes both in and out of court. When going to court, Kelly goes to win as a first-chair trial lawyer with more than 20 years of litigation experience and multiple multimillion-dollar verdicts to his credit. But Kelly always looks for (and often finds) practical solutions to complex business problems without resorting to legal proceedings. In every situation, he lets his clients' business goals determine the path he takes.

### Letting business goals take priority

Kelly's diverse clients include private equity funds and their portfolio companies, public companies, executives and high-net-worth individuals. Many of his matters arise from a breakdown in relations between companies and their employees, shareholders, clients or vendors. He frequently advises on cases involving breaches of fiduciary duty, trade secret theft and nondisclosure and noncompetition agreements. Kelly also has extensive experience in intellectual property, insurance and antitrust disputes.

Understanding that his clients' business needs come first, Kelly ensures that they dictate every strategic decision. In some cases, that means taking the fight to trial. There, Kelly has obtained multiple favorable jury verdicts, including an eight-figure award for an industry icon in high-profile litigation against a former employer. He has also won numerous defense verdicts and successfully argued multiple appeals.

### Representative Experience

- Represented semiconductor company in suit against former executive employee on breach of confidentiality agreement. Obtained jury verdict with seven-figure award.\*

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## Court Admissions

US Court of Appeals, Fifth Circuit  
US Court of Appeals, Ninth Circuit  
US Court of Appeals, Federal Circuit  
US Court of Appeals, District of Columbia Circuit  
US District Court, Eastern District of Texas  
US District Court, Northern District of Texas  
US District Court, Southern District of Texas  
US District Court, Western District of Texas  
US District Court, Northern District of Florida

## Community Involvements

American Bar Association  
Dallas Bar Association  
Texas Bar Foundation, Sustaining Life Fellow  
Dallas Bar Foundation, Fellow  
Texas Uniform Trade Secrets Act Working Group, Member  
Interfaith Family Services, Board of Directors

- Defended film director and production company in defamation and invasion of privacy lawsuit. An individual who appeared in the trailer to an Oscar®-nominated documentary film alleged that use of his image misappropriated his likeness and harmed his reputation. Successfully moved to dismiss, with court ruling that plaintiff failed to state a claim upon which relief could be granted.\*
- Defended automobile auction in antitrust action brought by automotive transport service alleging plaintiff was wrongfully denied access to "essential facility." On motion by client, the court found that plaintiff's claims were not legally tenable or factually sufficient to warrant a trial. Obtained summary judgment that was upheld by Texas Court of Appeals for the Eighth District.\*
- Represented client in matter seeking disclosure of confidential and proprietary documents. Obtained *vacatur* and dismissal of default judgment. Successfully defended result on appeal to US Court of Appeals for the District of Columbia Circuit.\*
- Defended fraud, breach of fiduciary duty and breach of contract claims brought against private equity fund, fund executive, portfolio company and portfolio company executives in post-investment lawsuit by co-founder of SaaS company.\*
- Defended SaaS company against claims asserted by key customer arising from data breach that disclosed customer's information. Obtained confidential resolution without litigation that included payment of full benefits of cyber-insurance policy and preserved ongoing business relationship of company and customer.\*
- Defended fraud, breach of fiduciary duty and breach of contract claims brought against private equity fund and fund executive in post-investment arbitration by former owner of manufacturing company.\*
- Represented former executive in suit for breach of stock option contract. Obtained multimillion-dollar jury verdict for plaintiff. Argued successfully in defense of judgment on appeal to US Court of Appeals for the Fifth Circuit.\*

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- Represented semiconductor company in suit against nine former employees who were involved in design and engineering of integrated circuits for power supply control functions and who resigned en masse to accept jobs with direct competitor. Obtained temporary restraining order and permanent injunction prohibiting defendants from contacting certain customers, using or disclosing client's trade secrets, and soliciting or hiring client's employees.\*
- Represented semiconductor company in litigation against former senior engineer who resigned under suspicious circumstances and began working for competitor in same field. Obtained temporary restraining order enjoining former employee from working for competitor. Resulted in individual's resignation from competitor and returning to work for client.\*
- Defended law firm and investigator hired by law firm in civil SEC investigation of alleged insider trading and collusion between law firms and hedge funds known for taking "short" positions on stocks. After receiving client's "Wells" submission, the SEC closed its investigation without instituting civil action.\*

\*Experience prior to Katten

## Recognitions

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*Recognized or listed in the following:*

- *Best Lawyers in America*
  - Commercial Litigation, 2016–2023
- *The Legal 500 United States*
  - Recommended Attorney, 2020
- *Super Lawyers*
  - Texas, 2016–2020
- *Texas Lawyer*
  - Verdict chosen for "Texas Verdicts Hall of Fame"

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## News

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- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)
- Coronavirus (COVID-19) Resource Center (November 10, 2021)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Attorneys Selected for 2020 Texas Super Lawyers List (October 19, 2020)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Katten Named Top-Tier Firm in Structured Finance and Securitization by The Legal 500 United States 2020 Guide (June 16, 2020)
- Katten Attorneys Chosen for 2019 Texas Super Lawyers List (September 3, 2019)
- Katten Attorneys Named to 2018 Texas *Super Lawyers* List (September 6, 2018)
- Katten Adds Litigator Kelly Hine to its Growing Dallas Office (June 25, 2018)

## Publications

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- Lions and Tigers and COVID? Oh My! (May 20, 2020)
- Is the Coronavirus Pandemic a Material Adverse Event? It Depends. (April 17, 2020)

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## Presentations and Events

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- The Realities of Virtual Litigation (January 27–February 17, 2021) | *Speaker*  
| *Virtual Hearings*
- Reopening the Office: Legal Guidelines and Best Practices for Returning to Work (May 13, 2020) | *Panelist*
- Data Breach Planning and Insurance: What You Need to Know (June 21, 2017) | *Panelist*
- DFW Association of Corporate Counsel Annual Symposium (2016) | *Presenter* | *Current and Recurrent Ethical Issues Facing In-House Counsel*
- Presentation to the Texas Society of Certified Public Accountants (2013) | *Presenter* | *Trade Secret Cases and Associated Economic Damages*
- 22nd Annual All Hands Meeting (2010) | *Presenter* | *So You Want to Be a California Lawyer?*
- Dallas Bar Association (1999) | *Presenter* | *What Really Goes On in the Federal Courts?*