



## Kevin A. Brown

Of Counsel

[kevin.brown@wilsonelser.com](mailto:kevin.brown@wilsonelser.com)

Las Vegas, NV – 702.727.1249

Kevin Brown has more than 30 years of experience in insurance defense, spanning all aspects of civil litigation to include commercial trucking and personal auto claims, the defense of construction companies in construction accidents and construction defect litigation, product liability and premises liability.

Over his career, Kevin has tried to verdict 21 cases covering a wide range of matters, including construction disputes, traumatic brain injury, mold, general injury from car accidents and premises liability. He also has significant experience in negligent security cases on properties for claims involving injuries due to criminal activity or sexual assault, as well as experience as an arbitrator and mediator.

Kevin joined Wilson Elser from his own 20-year practice with offices in California, Nevada and Washington, where he served as senior managing partner.

### Catastrophic Injuries

Kevin has significant experience with cases involving wrongful death claims as well as severe physical injuries that result in permanent disabilities and cognitive injuries that arise from brain damage that impairs a person's ability to work and perform routine daily functions.

### Education

- University of the Pacific, McGeorge School of Law (J.D., 1991)
- Brigham Young University (B.S. Finance, 1984)

### Bar Admissions

- Nevada

### Services

- Complex Tort & General Casualty

- California

## **Professional Affiliations**

- Nevada Bar Association
- California Bar Association

## **Client Wins**

### **Lowry & Brown Earn Voluntary Dismissal**

Michael Lowry (Partner-Las Vegas) and Kevin Brown (Of Counsel-Las Vegas) obtained a voluntary dismissal of all claims against Wilson Elser's client, a flooring subcontractor, in the Eighth Judicial District Court, Las Vegas. The case involved a trip and fall incident that occurred during a renovation project. Michael and Kevin noted that the client's job file reflected that it did not start work on the project until two days after the alleged fall. After reviewing the job files from the general contractor and other subcontractors, the plaintiff agreed with that timeline and voluntarily dismissed all claims against our subcontractor client only.

### **Lowry and Brown Achieve Nuisance Settlement**

Michael Lowry (Partner-Las Vegas, NV) and Kevin Brown (Of Counsel-Las Vegas, NV) worked to develop facts leading to a nuisance-value settlement in a case in which a high-school student attempted to cross six lanes of traffic on a main thoroughfare. His alleged actions were much like a real-life game of Frogger. When the plaintiff tried to cross the sixth lane, he was struck by a car owned by a pre-owned vehicle dealer and driven by a vendor who was taking it to his shop to prepare it for sale. The teen sued the driver alleging significant injuries. He also sued the dealer alleging negligent entrustment. An entrustment clearly occurred, but Michael and Kevin worked with the dealer to develop facts demonstrating the entrustment was not negligent. Once these facts were developed, the teen accepted a nuisance value settlement rather than litigate summary judgment.

### **Lowry and Brown Earn Summary Judgment via Physical Facts Rule**

Michael Lowry (Partner-Las Vegas) and Kevin Brown (Of Counsel-Las Vegas) obtained summary judgment for a resort on the Las Vegas Strip in a case where a guest alleged she was injured, claiming that as she approached an elevator, the doors suddenly closed and struck her. She then fell and was injured. Her last computation of damages alleged more than \$422,000 in past medical specials alone. The resort had video in the elevator car from an hour before and after the fall. It showed the elevator doors opening normally and opening and closing in the same time period when the plaintiff fell. The video also showed the doors' sensors appropriately responded when objects were placed in their way. The Eighth Judicial District Court, Las Vegas granted summary judgment based on the physical facts rule. The objective evidence shown on the video could not be overcome by other evidence speculating about whether the elevator was not properly maintained.

### **Lowry and Brown Secure Voluntary Dismissal in Construction Site Motor Vehicle Accident**

Michael Lowry (Partner-Las Vegas) and Kevin Brown (Of Counsel-Las Vegas)

represented a concrete-cutting and excavation subcontractor concerning a motor vehicle accident that occurred in an active construction zone. Two vehicles collided after one or both failed to follow roadway signage. A lawsuit was filed in the Eighth Judicial District Court, Las Vegas that included the client, who happened to be in the work zone that night. Michael and Kevin worked with the client to identify its minimal job file and scope of work, and then were able to use targeted discovery to gather documentation from other defendants that confirmed the client had no role or responsibility for traffic control. Plaintiffs agreed to voluntarily dismiss while a motion for summary judgment was pending.

#### **Lowry and Brown Secure Motion for Summary Judgment in Auto Accident Case**

Michael Lowry (Partner-Las Vegas) and Kevin Brown (Of Counsel-Las Vegas) were retained to defend a driver who was involved in a side-swipe motor vehicle accident. During discovery, a witness and both drivers were deposed. All gave testimony indicating that our client had maintained his lane and the collision occurred only because the other driver had improperly merged lanes. Based on that testimony, the Eighth Judicial District Court, Las Vegas ruled there was no genuine issue of material fact as to who caused the accident. Our client won summary judgment and the adverse parties agreed to waive an appeal in exchange for a waiver of costs.

#### **Lowry and Brown Win Motion to Dismiss in Reno**

Michael Lowry (Partner-Las Vegas) and Kevin Brown (Of Counsel-Las Vegas) won a motion to dismiss in Second Judicial District Court in Reno, having been retained by a local trucking company whose vehicle was involved in a tip-over accident with another commercial truck. Upon filing the suit, Plaintiff completed all required preliminary procedures with one critical exception: the timely opening of discovery. This failure to act, despite reminders from Brown seeking the opening of discovery, resulted in the district court granting a motion to dismiss on behalf of the defendant after finding no extraordinary circumstances to justify the delay.