

Kevin M. Bandy | Associate
Mass Torts & Complex Disputes

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Kevin M. Bandy concentrates his practice on administrative law, complex disputes, mass torts and multidistrict litigation (“MDL”), and commercial litigation. Since the beginning of his practice, Kevin has participated in high stakes litigation in multiple state and federal jurisdictions nationwide, including Florida, Ohio, and the Court of Federal Claims, and serves as a core member of the Blank Rome team servicing one of the largest and longest-running MDLs in the United States. In his first two years of practice Kevin took or defended over a dozen depositions in both the United States and the Republic of Colombia, including two depositions of Colombian nationals before Colombian judges in Medellin and Apartadó. Kevin has been one of the primary drafters of dozens of procedural and substantive pleadings, including an appellee brief in the Eleventh Circuit Court of Appeals concerning a group of plaintiffs’ right to proceed under pseudonym. He was one of the primary drafters and researchers of two complex, successful motions for summary judgment under Colombian tort law and the U.S. Torture Victims Protection Act, leading to dismissal of the claims of 12 families selected for the first round of bellwether trials in the Chiquita MDL. Kevin was also one of the primary researchers and drafters of a brief leading to denial of a motion for class certification filed on behalf of thousands of plaintiffs in multidistrict litigation in the United States District Court for the Southern District of Florida (published at *In re Chiquita Brands Int’l, Inc. Alien Tort Statute & S’holders Derivative Litig.*, 331 F.R.D. 675 (S.D. Fla. 2019)). A graduate of Marjory Stoneman Douglas High School in Parkland, Florida, Kevin’s pro bono work involves working alongside the Brady Campaign to Prevent Gun Violence in high-profile litigation.

During law school, Kevin served as Publications Editor for the *University of Cincinnati Law Review*, and law clerk for a civil litigation firm and the City of Cincinnati Law Department. Outside of his litigation work, Kevin has been published

twice:

- “*Justice v. Hosemann*: The Fifth Circuit’s Devaluation of State Ballot Initiatives and Political Participation,” 84 U. Cin. L. Rev. 425 (2016).
- “Strategically Leveraging the Personal Jurisdiction Requirement to Put the Brakes on Litigation Tourism & Forum Shopping,” *OACTA Quarterly Review* (2019).

Outside The Firm

Kevin serves as a Co-Chair of the Cincinnati Bar Association’s Superhero Run for Kids Planning Committee, which is responsible for organizing an annual 5K race in Cincinnati and raising money for ProKids, a charity providing care for abused and neglected children in Cincinnati. He also serves as a Board Member of the Cincinnati Bar Association Young Lawyers Section. Kevin was a mentor for Big Brothers Big Sisters of Greater Cincinnati from 2017 to 2019, and between 2015 and 2018, was a board member for Lane 8 Fund, Inc., a Cincinnati-based nonprofit organization that works to instill work ethic, commitment, and goal-making through the sport of swimming.

Kevin, a former collegiate swimmer at the University of Louisville, enjoys the Miami Marlins, NFL football, and the Louisville Cardinals. Kevin competed in the men’s 200-meter butterfly at the 2012 USA Swimming Olympic Trials. Since his collegiate athletic days, Kevin has completed six half-marathons in Cincinnati, Ohio; Louisville, Kentucky; Orlando, Florida; and Newport, Rhode Island.

Select Engagements

- Chiquita Brands International, Inc., in the mass tort, multidistrict litigation case of *In re Chiquita Brands International, Inc. Alien Tort Statute and Shareholder Derivative Litigation*. Kevin was an integral part of the pre-trial preparation team defending claims brought by American citizens under the United States Anti-Terrorism Act, which ultimately resolved in a settlement on the first day of trial. He is highly involved in the remaining claims, brought by Colombian nationals under Colombian law.
- An insurance company, in a suit against the United States Department of the Interior, challenging under the Administrative Procedure Act a decision of the Bureau of Indian Affairs to deny a claim for loss made under a \$20 million loan guaranty issued by the government to guarantee a loan made to a Native American business.
- A construction company joint venture, in a suit against the United States challenging a Small Business Administration size determination under the Administrative Procedure Act, in connection with a bid protest resulting from the award of a multi-million dollar procurement contract by the Department of the Air Force.
- A multinational corporation involved in shipping and storage of containers, in a contract dispute with a local port terminal services provider involving

claims for millions of dollars based on breach of contract, unjust enrichment, and estoppel.

Admissions

- Kentucky
- Ohio

Education

- University of Louisville, BS, magna cum laude
- University of Cincinnati College of Law, JD, cum laude