



KEVIN N. ANDERSON

Practice Summary

Kevin is one of our most experienced and successful trial attorneys and is an active mediator and arbitrator. He has over twenty-seven years of litigation experience in state and federal courts, arbitration, and administrative forums. Kevin has experience in a variety of complex commercial disputes, has taken on the FBI and the NCAA, and represented Victoria's Secret, among other well-known clients.

But a substantial portion of Kevin's work has been for energy-related companies in a variety of litigation, arbitration and regulatory matters. Of significance, Kevin has been involved in resolving several disputes concerning long term coal supply agreements through negotiation, litigation, arbitration and mediation.

Other cases Kevin has handled include contract disputes, force majeure, eminent domain and condemnation, securities fraud, insurance coverage and benefits, banking, real estate transactions, fiduciary relationships and Indian law. Kevin was named one of the Mountain States Super Lawyers® for complex commercial litigation, based on peer recognition and his professional achievements.

Kevin has handled numerous cases that were resolved prior to trial, either by judicial disposition or settlement. He has been involved in the appeal of cases to the Utah Supreme Court and the Tenth Circuit Court of Appeals and has lectured on a variety of topics. He currently chairs Fabian's Energy & Electric Utilities Practice Group and is a member of the Board of Directors for the Utah Mining Association.

Professional:

- Admitted, Utah State Bar, 1981
- Admitted, Nevada State Bar, 1992
- Admitted, District of Columbia Bar, 2005
- Admitted, Tenth Circuit Court of Appeals, 1985
- Utah Supreme Court Advisory Committee on Civil Procedure, 1991- 1993

Education:

- Juris Doctorate, Georgetown University Law Center, 1981
- Bachelor of Arts, University of Utah, 1978

Contact

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Areas of Practice

Energy & Electric Utilities
Complex Litigation & Arbitration
Appellate Litigation



Representative Cases

Currently representing the owners of the Crandall Canyon Mine in relation to ongoing federal investigations and civil lawsuits stemming from the catastrophic events that occurred at the mine in August 2007, which resulted in the tragic and unfortunate deaths of nine coal miners.

Kevin has analyzed and litigated numerous claims of *force majeure* under fuel supply contracts involving events such as unanticipated geologic conditions, the unavailability of railroad cars and other transportation problems, earthquakes, coal frozen in railroad cars, the failure of coal processing equipment at a generating station, breakdowns of turbine generators, and various other problems experienced by coal suppliers.

Kevin has also handled Mine Safety and Health Administration special investigations seeking to impose civil and criminal liability, MSHA enforcement defense litigation, appeals before the Federal Mine Safety and Health Review Commission, and litigation challenging unlawful MSHA regulations and related regulatory actions.

Kevin has analyzed, litigated, mediated and been a neutral and party appointed arbitrator in cases involving market price reopeners, pricing disputes, plant construction issues and quality related issues. He has been involved in contract negotiations and renegotiation. Kevin has assisted in the preparation of written claims submitted pursuant to gross inequity clauses and has been involved in the negotiation, litigation and arbitration of those claims.

In addition to the contractual disputes identified above, Kevin has worked on a number of cases involving contractual disputes in a variety of circumstances. He has represented the University of North Dakota against the NCAA's attempt to stop it from using its "Fighting Sioux" nickname and logo, prevented the FBI from gaining access to top secret government documents leaked to his father, Jack Anderson. Other cases have involved performance of technology sharing agreements, commercial lease disputes, fraud, and the enforcement of alleged verbal agreements.