

## RESUME OF BILL KENNEY LAW FIRM, LLC

BILL KENNEY LAW FIRM, LLC is a plaintiffs' firm representing individuals and consumers in state and federal court, typically in the Western District of Missouri. Bill Kenney, the firm's principal, has an extensive background in complex litigation, including considerable appellate experience. Mr. Kenney has always represented individuals and consumers as plaintiffs in various types of complex civil litigation, including consumer class actions, but in recent years has devoted his firm almost solely to plaintiffs' work.

Early in his career, Bill Kenney served as a panel attorney for the Western District of Missouri and for the Eighth Circuit Court of Appeals pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. In his first CJA appointment, Kenney successfully litigated a motion to suppress based on law enforcement's violations of the Federal Wiretap Act, 18 U.S.C. § 2518, resulting in the government's dismissal of one count of a two-count indictment. *See Order, United States v. Hawkins*, Doc. 102, No. 4:12-cr-00062-BCW (Apr. 9, 2013), adopting the Report and Recommendation Granting Defendant's Motion to Suppress, Doc. 70 (Oct. 18, 2012). Following the district court's order, the government appealed to the Eighth Circuit, however, the government dismissed its appeal following Hawkins' guilty plea. Kenney's CJA work has allowed him to argue six cases in the Eighth Circuit Court of Appeals, resulting in three published opinions. *See United States v. Haubrich*, 744 F.3d 554 (8th Cir. 2014); *United States v. Foster*, 740 F.3d 1202 (8th Cir. 2014); *United States v. Scott*, 739 F.3d 910 (8th Cir. 2013) (Bright, M., dissenting); *see also United States v. Lynch*, No. 16-1211 (8th Cir. Feb. 2, 2017) (unpublished, per curiam); *Griffin v. United States*, No. 14-1591 (8th Cir. July 10, 2015) (unpublished, per curiam); *United States v. Blair*, No. 12-1927 (8th Cir. Mar. 8, 2013) (unpublished, per curiam). Kenney's later post-conviction work—which attacked the use of certain prior convictions for enhancement purposes under the Armed Career Criminal Act, or the Career Offender provision of the United States Sentencing Guidelines, led to Kenney co-presenting a CLE with Laine Cardarella, the Federal Public Defender for the Western District of Missouri, titled *Johnson v. United States*, 135 S. Ct. 2551 (2015): *Its Impact and Implications*. More recently, Kenney's has litigated two state court appeals in front of the Missouri Supreme Court, the latter of which resulted in split decision favoring his client. *See Reed v. The Reilly Company, LLC*, 534 S.W.3d 809 (Mo. 2017); *Roesing v. Director of Revenue, State of Missouri*, 573 S.W.3d 634 (Mo. 2019).

Kenney has a long history of successfully litigating individual and class action consumer claims for his clients in Missouri state and federal courts, including TCPA claims. *See Wilson et al. v. PL Phase One Operations L.P. d/b/a Xfinity Live! Philadelphia and 1100 Social, et al.*, No. 1:18-cv-3285-DKC, 2019 U.S. Dist. LEXIS 166732 (D. Md. Sep. 27, 2019) (denying TCPA defendants' motion to dismiss on jurisdictional and constitutional grounds; entering a partial dismissal of allegations concerning violations of the internal do-not-call regulations); *Henderson et al. v. CIOX Health, LLC f/k/a HealthPort Technologies, et al.*, No. 1416-CV13765 (Cir. Ct. of Jackson Cty., Mo., June 24, 2019) (certifying a class of as many as 35,000 Missouri consumers who had been charged "no records" fees for medical records and appointing Bill Kenney Law Firm as class counsel, among other firms), *petition for leave to appeal denied in Henderson et al. v. CIOX Health, LLC*, No. WD82946 (Mo. App. W.D. July 22, 2019); *Layden v. Adams Auto Corp.*, No. 4:18-65-ODS, 2018 U.S. Dist. LEXIS 79792 (W.D. Mo. May 11, 2018) (denying TCPA defendant's motion to dismiss, in which defendant asserted that text messages that requested

plaintiff to leave online reviews were not promotional in nature); *King v. Suntrust Mortgage, Inc. v. F&C Bank v. Suntrust Banks, Inc., et al.*, No. 4:16-cv-810-BCW (Mar. 1, 2017) (complex wrongful foreclosure case involving numerous defendants, counter-claimants, and third-party litigants; resulting in a confidential settlement following remand); *Williams v. zZounds Music, L.L.C.*, No. 4:16-cv-940, 2017 U.S. Dist. LEXIS 27458 (W.D. Mo. Feb. 28, 2017) (denying TCPA defendant's motion to dismiss, in which defendant asserted that the plaintiff failed to demonstrate Article III standing in light of *Spokeo v. Robins*, 136 S. Ct. 1540 (2016)); *Lagas, et al. v. Copies F.Y.I., Inc.*, No. 1416-CV22794 (Cir. Ct. of Jackson Cty., Mo., Nov. 23, 2015) (counsel for plaintiffs in a class action involving medical records fees, resulted in a class settlement); *Layden v. Midwest Division-RMC, LLC d/b/a Research Medical Center*, No. 1316-CV10357 (Cir. Ct. of Jackson Cty., Mo., July 23, 2015) (counsel for plaintiff in a case involving the hospital's refusal to submit medical bills to the class members' health insurance providers, resulted in a class settlement reported by Mo. Lawyers Weekly to be the 52nd largest settlement / judgment in Missouri in 2015).

Kenney has also long represented individuals who have been injured by the negligence of others. In his second year of practice, Kenney filed suit under the Federal Tort Claims Act, 28 U.S.C. § 1346, on behalf of David Standiford, an army veteran who alleged that the Veterans Administration had negligently failed to diagnose his lung cancer. Though Mr. Standiford tragically passed while the case was pending, Kenney was nonetheless successful in obtaining a settlement of \$225,000 for Mr. Standiford's family. *See Standiford et al. v. United States*, No. 4:12-cv-1003-ODS (W.D. Mo. Oct. 28, 2013). Kenney also represented multiple players and their spouses in the NFL Concussion Litigation, MDL No. 2323, and a number of players who had opted out of the NFL settlement in subsequent litigation against the Kansas City Chiefs, which resulted in a confidential settlement. *See Kenney, et al. v. Kansas City Chiefs Football Club, Inc.*, No. 2:14-cv-04779-AB (E.D. Pa.). Most recently, Kenney successfully litigated a complex product liability case, which resulted in a \$453,000 settlement following the filing of dispositive motions. *See Simpson v. Magnum Piering, Inc.*, No. 4:17-cv-731-NKL (W.D. Mo. Jan. 15, 2019).

Kenney has also been involved in numerous civil and criminal jury trials. Recent cases include *Majalca v. Pond*, No. 18CV02644 (Cir. Ct. of Multnomah Cty., Or., Mar. 22, 2019) (\$126,785 verdict for plaintiff); *Richards v. The Bunkhouse Bar & Grill, LLC, et al.*, No. 15AE-CV02242 (Cir. Ct. of Platte Cty., Mo. Mar. 21, 2018) (\$450,000 verdict with 10% fault assessed to plaintiff); and *Slavin v. Brantley*, No. 1616-CV25213 (Cir. Ct. of Jackson Cty., Mo. Mar. 2, 2018) (\$70,000 verdict with 10% fault assessed to plaintiff).