



KYRA A. SMERKANICH

ASSOCIATE

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SERVICES

Litigation
Commercial Litigation
Appellate

Kyra Smerkanich represents clients in complex civil litigation, helping them to navigate the challenging landscapes that arise in business and insurance disputes. Working in partnership with her clients – with an eye towards understanding their business practices and legal needs – Kyra is not afraid to take a matter to trial, however she also understands that, sometimes, a brokered settlement agreement that avoids the uncertainty of litigation may be a preferred outcome. Results-driven, Kyra has trial and arbitration experience, and frequently represents clients in mediation and other alternative dispute resolution forums. Her diverse experience includes advocating for carriers in complex coverage disputes, representing major brand-name retailers in employment discrimination claims, and helping real estate developers navigate control and profit-sharing disputes among members, partners and co-investors.

EXPERIENCE

Insurance

- Analyzes wide-ranging and novel coverage issues for national and international kidnap and ransom (K&R) carriers, including claims resulting from cyber ransoms and claims seeking business interruption damages.
- Assists insurers in navigating the interaction between “other insurance” provisions and how such clauses are treated in various jurisdictions.
- Provided advice and recommendations to the Board of Directors for an energy services industry carrier concerning the risks of cyber-related terrorism events and coverage issues concerning the same.
- Develops comprehensive coverage positions for a national carrier that provides insurance to schools and universities in cases involving sexual abuse and misconduct.
- Represents a global casualty and property reinsurer in monitoring capacity, providing counseling and litigation advice.

Brokers

- Represented a large insurance brokerage firm in litigation in New York Supreme Court alleging breach of fiduciary duty, misrepresentation and fraud, based on the actions of a former employee.
- Represents an expanding brokerage firm in errors and omission cases arising out of windstorm/flooding events.

Commercial Real Estate

- Represents a local real estate developer in an appeal before D.C. Court of Appeals concerning notice under the Tenant Opportunity to Purchase Act (TOPA).
- Achieved a favorable settlement for the estate of a D.C. real estate developer in a post-mortem dispute among LLC members relating to alleged mismanagement and self-dealing.

Employment

- Represents a legal staffing company against claims of citizenship discrimination and retaliation under 8 U.S.C. §1324(b) before the Office of the Chief Administrative Hearing Officer, with the Department of Justice's Immigrant and Employee Rights Section (IER), while simultaneously negotiating a multiparty settlement agreement with IER.
- Represents a major pharmacy retailer in various litigations throughout the country alleging violations of the Americans with Disabilities Act (ADA), ranging from visual impairment accessibility issues to parking, construction and other alleged physical barriers.

General Civil Matters

- Assisted a specialty M&A investment bank in responding to a Federal Trade Commission (FTC) civil investigative demand and subpoena duces tecum, successfully minimizing exposure and protecting the client's confidential and proprietary information.
- Represents a full-service U.S. investment bank in responding to third-party subpoenas for records and testimony in a multi-million breach of contract case.

MEMBERSHIPS AND AFFILIATIONS

Pro Bono Volunteer, Amara Legal Center and Legal Aid Society

EDUCATION

J.D., George Mason University School of Law, 2013

- President and Section Representative, Student Bar Association
- Member, Journal of Law, Economics and Policy
- Nationals Team Member, Moot Court Board
- Member, Trial Advocacy Board

B.A., *magna cum laude*, American University, 2008

BAR ADMISSION

District of Columbia

Pennsylvania

FIRM MANAGEMENT POSITIONS

Associates Committee