



Kristen T. Gallagher, Partner

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Areas of Practice

Employment & Labor Law
Commercial & Complex Litigation
Business Relocation to Nevada

Bar Admissions

Nevada

Education

- J.D., *magna cum laude*, William S. Boyd School of Law, UNLV, 2005
- Master of Social Work, UNLV, 2002
- B.S., Business, Kelley School of Business, Indiana University, 1993

Kristen Gallagher is Co-Chair of McDonald Carano’s Employment & Labor Law Practice and is a member of the Commercial & Complex Litigation Practice. Ms. Gallagher’s clients include startups, corporations, public entities, non-profit organizations, trade associations, and public-private partnerships throughout Nevada. She has assisted employers in all sectors of the economy, including insurance, financial services, telecommunications, retail, professional sports, gaming, hospitality, lodging, manufacturing, agriculture, education, technology, energy, transportation, construction, real estate, utilities, healthcare, entertainment and tourism.

Ms. Gallagher handles a wide variety of employment and labor related litigation claims, including class actions, that are both national in scope and specific to Nevada law, such as wrongful termination, wage and hour disputes, employment discrimination, and labor-related matters. Her litigation practice includes deep experience with a comprehensive range of laws governing the workplace, including Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, the Family and Medical Leave Act of 1993, the Fair Labor Standards Act, the WARN Act and many other federal and state laws.

Ms. Gallagher has represented clients before the Nevada Supreme Court and Ninth Circuit Court of Appeals, as well as before state and federal employment and labor regulatory agencies and boards in connection with investigations and other administrative proceedings.

Ms. Gallagher counsels clients on issues regarding hiring and termination policies and procedures, employment contracts and related agreements, and employee handbooks, as well as provides analysis and advice to clients in their day-to-day operations and pre-litigation matters. She also conducts internal investigations on nearly every type of current and emerging workplace misconduct allegation, including ethics violations, hostile work environment, harassment,

discrimination, bullying, retaliation, implicit bias, substance abuse, and fraud. She also advises on and supervises internal employer investigations to assure compliance with state and federal laws.

Ms. Gallagher is a go-to attorney for national and international law firms looking to navigate Nevada law, as well as local rules and practice. Ms. Gallagher has provided local counsel assistance in a wide variety of matters concerning patent law, federal and state wage and hour laws, employment discrimination, breach of contract, intentional torts, civil conspiracy, anti-trust laws, and under 28 U.S.C. § 1782 seeking discovery for use in a foreign proceeding.

Ms. Gallagher also handles a wide variety of commercial litigation disputes in state and federal court across an array of business industries involving issues such as breach of contract, fraud and other intentional business torts, breach of warranty, negligence, strict products liability, trademark and patent rights and obligations, and trade secrets.

A Chicagoland native, Ms. Gallagher attended Indiana University, Bloomington, graduating with a B.S. in Business from the Kelly School of Business. She also has a Master of Social Work from UNLV and received her J.D. from UNLV's Boyd School of Law, graduating magna cum laude. Before graduate and law school, Ms. Gallagher worked in the insurance industry, most recently as a fraud investigator. She is also on the faculty with NITA, instructing local attorneys on deposition skills.

REPRESENTATIVE MATTERS

- *Fremont Emergency Services (Mandavia), et al. vs. UnitedHealth Group, Inc. et al.*, a \$62.65 million jury verdict awarded to client TeamHealth finding UnitedHealthcare liable for breach of contract, unjust enrichment and two forms of unfair insurance practices (\$60 million in punitive damages, \$2.65 million in compensatory damages).
- *Konami Gaming, Inc. v. Tingson*, a case involving a non-compete agreement.
- *Lemper, et al. v. Legacy IP LLC*, a case involving breach of contract concerning, among other issues, patent ownership rights and obligations.
- *Liberty Mutual Insurance Company v. A.O. Smith Corporation*, a case involving negligence and strict products liability
- *Schillereff v. Thomas Management Corporation*, a case alleging employment discrimination.
- *Cleverley v. Allsite Rental Structures, LLC*, a case involving breach of a purchase and sale agreement and related business torts.
- *LSREF2 APEX 2, LLC v. Cichon, et al.* a case involving breach of guaranty and action for deficiency judgment.
- *First Option v. Tabbert, et al.*, a case involving, among other issues, a restrictive covenant agreement, trade secrets, intentional business torts, and civil conspiracy.
- *D.R. Horton, Inc.*, in multiple homeowner cases alleging mortgage fraud.
- *Capital One, N.A.*, in multiple homeowner cases alleging mortgage fraud.
- *Greenpoint Mortgage Funding, Inc.*, in multiple homeowner cases alleging mortgage fraud.

Professional Affiliations

- Member, Southern Nevada Association of Women Attorneys
- Member, Society of Human Resources Management

Presentations and Publications

- Quoted, “Disability Claims May Trip Up Bosses with Hard-Line Back-to-Office Policies,” *Corporate Counsell/Law.com*, May 2, 2023
- Author, “FTC Proposes Rule Banning Non-Compete Provisions: How Would It Impact Nevada Employers?,” *McDonald Carano Legal Update*, January 18, 2023
- Quoted, “4 Key Points As Justices Eye Threshold For Title VII Suits,” *Law360 Employment Authority*, January 13, 2023
- Presenter, “Employment Law Priorities for In-House Counsel,” Association of Corporate Counsel, September 27, 2022
- Author, “Internal Investigations: FAQs about Leave for Complainants and Accused,” *McDonald Carano Legal Update*, January 2022
- Author, “Retail Employers Face New Employment Laws,” *Nevada News*, August 2022
- Quoted, “What Should Be in a Vaccination Policy,” *SHRM*, August 2021
- Quoted, “What If a Job Applicant Discloses a Disability?” *SHRM*, July 2021
- Quoted, “How to Handle an Influx of Accommodation Requests,” *SHRM*, June 2021
- Quoted, “Verifying Vaccination Status: What Employers Need To Know,” *Law360*, May 2021
- Quoted, “Six Ways to Improve Employers’ Anti-Harassment Training,” *Law360*, May 2021

Awards and Recognition

- *Top Verdicts & Settlements of the West* “Top 25 Verdicts 2021” – #1 largest in Nevada, #1 largest in Contract Law in 13-state West region, and #9 largest in all areas of law in 13-state West region, ALM/American Lawyer Media’s VerdictSearch (Fremont Emergency Services (Mandavia), et al. vs. UnitedHealth Group, Inc. et al., Dec. 7, 2021)
- *The Best Lawyers in America* – Commercial Litigation (2020-2023)
- *The Best Lawyers in America* – Employment Law/Management (2022-2023)
- *The Best Lawyers in America* – Labor and Employment Litigation (2023)
- *Nevada Business Magazine* – “Legal Elite/Top Rank Attorneys” (2023)
- *Vegas Inc* – “Top Lawyers” in Labor and Employment (2022, 2023; 2022 – one of only four lawyers recognized in Labor and Employment)
- *Mountain States Super Lawyers Magazine* – Super Lawyer (2016-2021), Rising Star (2012-2015)

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