



## Rory Kay, Partner

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### Areas of Practice

Employment & Labor Law  
Commercial & Complex Litigation  
Appellate  
Construction Law & Litigation

### Bar Admissions

Nevada, California

### Education

- J.D., University of San Diego, School of Law, 2011
- B.S., Business Administration, University of Nebraska, 2006
- B.A., Economics and Political Science, University of Nebraska, 2006

Rory Kay has vast experience in all aspects of commercial and complex litigation, with an emphasis on shareholder disputes, employment and labor law, intellectual property, and appellate practice in front of the Nevada Supreme Court. With a demonstrated history of accomplishments in his career, he is able to tackle large cases and the most complex issues, including successfully arguing an attorney's fees case before the Nevada Supreme Court, which resulted in a written opinion. Mr. Kay is also a skilled labor and employment litigator who strategically represents clients in matters including wrongful termination, non-competition agreements, breach of executive officer agreements, NLRB alter ego claims, employer workplace manuals with a special focus on social networking and information technology, recording and eavesdropping, anti-nepotism and insider trading.

### Representative Experience

- Represented one of Nevada's largest homebuilders in a multi-million dollar breach-of-contract dispute against a landowner, regarding a master-planned community northeast of Las Vegas. This representation included substantial electronic discovery and issues unique to land development, water rights, environmental protection, and government administration.
- Argued and won in front of the Nevada Supreme Court, including representing the firm in an attorney's charging lien dispute that resulted in an opinion on a matter of first impression. After winning the case after oral argument, Mr. Kay drafted a motion for publication on this novel issue because of its importance to Nevada bar practitioners. Despite rarely granting these types of motions, the Nevada Supreme Court granted the motion and issued a citable opinion as *McDonald Carano Wilson, LLP v. Bourassa Law Group*, 131 Nev. Adv. Op. 90 (Dec. 3, 2015).

- Represents a collection of shareholders, including an Academy Award winning producer and a prominent collector of Asian art, in a shareholder oppression and receivership action in the Eighth Judicial District Court of Nevada. In this lawsuit, Mr. Kay has helped the shareholders obtain one of the largest judgments in Nevada history in a shareholder action. Additionally, Mr. Kay's clients obtained an international receivership to protect their investments and enforce their rights to financial information and proper corporate governance. The award granting receivership because of corporate mismanagement is one of the first of its kind in Nevada.
- Represented numerous clients in Securities and Exchange Commission investigations, including responding to subpoenas and defending clients during depositions.
- Prepared and filed trademark applications for multiple clients, including a company that designs and manages custom office automation solutions.

## Publications

- Co-author, Post-Judgment Issues Chapter, *Nevada Appellate Practice Manual* (2021 edition), published by the State Bar of Nevada
- Author, Judgments Chapter, *Nevada Civil Practice Manual* (updated sixth edition), published by the State Bar of Nevada

## Awards and Recognition

- The Best Lawyers in America – Appellate Practice (2018-2023), Commercial Litigation (2021-2023)
- *Mountain States Super Lawyers Magazine* – Rising Star (2017-2021)
- *Nevada Business Magazine* – “Legal Elite/Best Up & Coming Attorneys” (2017, 2019)

## Community Engagement

- Pro Bono work for Legal Aid Center's Children's Attorneys Project (CAP)
- Pro Bono work for members of the military through the state attorney general's Office of Military Legal Assistance
- Boy Scouts Volunteer
- ASUN Racial Affairs Advisory Council
- Get Outdoors Nevada Board of Directors

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**McDonald Carano LLP** ([www.mcdonaldcarano.com](http://www.mcdonaldcarano.com))

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