



## Rory Kay, Partner

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### Areas of Practice

Commercial & Complex Litigation  
Appellate  
Employment & Labor Law  
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 partnership and shareholder disputes, breach of contract, breach of fiduciary duty, fraudulent inducement, tortious interference, and intellectual property rights infringement including associated royalty and licensing disputes. Mr. Kay also has an active appellate practice, 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 employment litigator representing clients in matters including wrongful termination, non-compete 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 near Las Vegas. This representation included substantial e-discovery and issues unique to land development, water rights, environmental protection, and government administration.
- Argued and won before 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).

- Represent 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.

## 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
- "Ex-Worker To Pay \$400K To End Tesla 'Saboteur' Feud," *Law360*, December 1, 2020 (named as Nevada counsel)
- Author, "Up in Smoke: How the Illegal Contract Defense Threatens Enforcement of Cannabis Contracts," *Cannainvestor Magazine*, April/May 2019
- Feature Interview, "Photo Sharing on Social Media & Copyright Infringement: What You Need to Know," *IPwatchdog.com*, December 15, 2017

## Awards and Recognition

- The Best Lawyers in America – Appellate Practice (2018-2026), Commercial Litigation (2021-2026)
- *Nevada Business Magazine* – "Top Rank Attorneys" (2024, 2026) and "Best Up & Coming Attorneys" (2017, 2019)
- *Mountain States Super Lawyers Magazine* – Rising Star (2017-2021)

## Community Engagement

- Pro Bono work for Legal Aid Center's Children's Attorneys Project (CAP)
- 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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