



Kevin M. Judiscak

Kevin M. Judiscak focuses on achieving excellent results for clients enmeshed in business disputes, whether litigated in court, arbitration proceedings, or resolved

through mediation or settlement negotiations. Kevin joined Engelman Berger in March 2001 to chair the firm's litigation practice. He brought with him substantial experience from his prior tenure at two of Arizona's largest firms. Kevin brings a focused and strategic approach to the litigation process, and assists many business clients in reaching a beneficial resolution to pending or threatened disputes.

Kevin focuses his practice on the litigation of several types of commercial disputes, including:

- enforcement and defense of interests under commercial loan agreements and guaranties;
- enforcement of creditors' rights in personal property and real estate collateral, through judicial and non-judicial enforcement, including provisional remedies;
- enforcement of real estate contracts, sales agreements and disputes arising in implementation of these agreements;
- disputes between shareholders, members, or partners in closely held businesses;
- enforcement or defense of non-compete and other restrictive covenants arising out of employment contracts or shareholder agreements;
- prosecution and defense of fraudulent transfer claims;
- enforcement or defense of commercial real estate leases, including forcible entry and detainer / eviction proceedings.

Kevin has represented clients in state and federal courts, bankruptcy court, private arbitration proceedings, and in private mediations. He represents clients at the trial court level, and has appellate experience in the appellate courts, including pursuing petitions for special actions and applications for discretionary appellate review of administrative proceedings. Mr. Judiscak is admitted to practice before all state and federal courts in Arizona, and is a member of the State Bar of Arizona, the Trial Practice Section and the Arizona Association of Defense Counsel. Kevin has received an AV rating from Martindale Hubbell.

Kevin received his Juris Doctor degree from the University of Notre Dame, graduating magna cum laude, in 1989. Mr. Judiscak was a member of the Notre Dame Law Review and also assisted Professor Tang Trai Le with her book, *Sales and Credit Transactions Handbook*, while at Notre Dame. Before attending law school, Mr. Judiscak worked with a local Arizona Superior Court trial judge, Thomas W. O'Toole. Mr. Judiscak received his undergraduate degree from the University of Colorado, graduating summa cum laude in 1985. Mr. Judiscak co-authored the *Arizona Trial Handbook*, published by West Group. The *Arizona Trial Handbook* provides a comprehensive analysis of all aspects, procedural and substantive, of Arizona civil and criminal trial practice. Topics include pretrial motions, evidence, witness examination, mistrial, jury instructions and judgments.

Specific examples of Mr. Judiscak's representations include the following:

- Representation of an Arizona bank in defending a 7-figure lender liability suit.
- Representation of the Camelback Plaza landlord in the high-profile eviction and forcible detainer action against an international subtenant, trial and appeals through the Arizona Supreme Court. The Court of Appeals case prompted a revision of Arizona statute allowing prevailing landlord to recover its attorneys' fees. *Camelback Plaza Development LC v. Hard Rock Café Intl.*, 200 Ariz. 206, 25 P.3d 8 (Ct. App. 2001).
- Representation of prominent developer in litigation over ownership and disposition of numerous real estate partnerships and limited liability companies.
- Representation of commercial guarantors in action to enforce 8-figure real estate indebtedness wrongfully commenced by lender.
- Representation of leading a financial institution in prejudgment repossession of inventory of a rental car company.
- Representation of a business seller to recover the unpaid purchase price of the sold business.



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