



# Kevin J. Duffy

## Partner

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## Overview

Kevin Duffy, a commercial litigator, assists individuals and corporations in a range of matters affecting their personal and financial interests. He has advised and represented clients in cases involving contracts, commercial real estate, securities, public bidding, unfair competition, negligence, fraud and consumer protection claims in state and federal courts in New Jersey and New York, and has successfully argued before the Supreme Court of New Jersey. Outside of the courtroom, he has successfully represented clients' interests in arbitration and mediation.

Before entering private practice, Kevin served as a law clerk to the Honorable Jane Grall, Judge of the Appellate Division of the Superior Court of New Jersey, and to the Honorable Maurice J. Gallipoli, Assignment Judge of the Superior Court of New Jersey, Hudson Vicinage.

## Experience

*No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.*

Successfully defended large utility client against significant Telephone Consumer Protection Act (TCPA) class action claims, resulting in a settlement after more than six years of extensive fact and expert discovery and full briefing on class certification

Obtained reinstatement of a no-cause verdict in favor of a major retail corporation before the Supreme Court of New Jersey, following reversal by the Appellate Division

Successfully defended the entry of summary judgment in favor of a major retail corporation in a premises liability case before the Third Circuit Court of Appeals

Secured a ruling from the Supreme Court of New Jersey recognizing a litigant's right to a jury trial in the Special Civil Part of the Superior Court of New Jersey

Successfully defended a factoring company against a fraudulent transfer claim for which the plaintiff was seeking in excess of \$6 million in damages

Successfully obtained judgment against municipal entity for failure to pay the outstanding balance on a contract for construction of a municipal parking garage

## Practices & Industries

**Complex Commercial Litigation**

**Litigation**

Successfully defended a prevailing solid waste bidder against challenge filed by a competing bidder whose bid was rejected for its inclusion of a defective consent of surety

## Education and Credentials

### Education

Rutgers University School of Law - Newark, J.D., 2010, *Rutgers Law Record*, Senior Articles Editor

Emerson College, B.S., *magna cum laude*, 2007

### Admissions

State of New Jersey

State of New York

U.S. District Court, District of New Jersey

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

### Affiliations

American Bar Association, Communications Law Forum

National LGBTQ+ Bar

New Jersey State Bar Association, Appellate Practice Special Committee

## Recognition and Community

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### Recognitions

Chosen for inclusion on the *NJBIZ 2024 Forty Under 40 Awards* List, 2024

Chosen for inclusion in [The Best Lawyers in America](#) (Woodward/White, Inc.) for Commercial Litigation, 2023-2025

Chosen as one of the New Leaders of the Bar by the [New Jersey Law Journal](#) (ALM Media Properties, LLC), 2021

Selected to the list of New Jersey [Super Lawyers](#) Rising Stars (Thomson Reuters), Business Litigation, 2019-2020

Recipient of a Day Pitney Coleman Award for his commitment to pro bono and public service, 2017

### Community Involvement

NJ Pride Chamber, Member

West Orange Scholarship Fund, Trustee

Name Change Project, Volunteer Attorney  
Mendham Township Environmental Commission, Member  
Mendham Township Open Space Trust Committee, Member

## Insights

Searching for the "Reasonable Consumer": A Survey of Deceptive Labeling Claims in the Second and Ninth Circuits  
American Bar Association , February 3, 2025

New FCC Rules for Revocation of Consent under the TCPA  
March 28, 2024

New FCC Rules for Marketing Using Text Messages and Obtaining Marketing Leads  
January 9, 2024

The 2023 Lavender Law Conference & Career Fair  
July 24-26, 2023

The 11th Circuit Finds a Single Text Message Sufficient Injury for Article III Standing  
July 26, 2023

Florida Legislature Passes Amendments to the FTSA  
May 11, 2023

Day Pitney Sponsors Human Rights Campaign Greater New York Dinner  
February 4, 2023

Shouting FIRE! (or Worse) on Social Media: The Interplay of the First Amendment and Government Involvement in Efforts to Limit or Remove Social Media Content  
March 29, 2021

Supreme Court Declines to Invalidate the TCPA Cell Phone Calling Restrictions  
July 7, 2020

Supreme Court Removes Obstacle for Plaintiffs Asserting Takings Claims in Federal Court  
June 26, 2019

Without Sufficient Merit  
August 5, 2016

## News

Michael Furey and Kevin Duffy Win Dismissal of Malpractice Case Against a Major Law Firm  
July 29, 2024

Day Pitney Partner Kevin J. Duffy Named to NJBIZ 2024 Forty Under 40 Awards List  
July 24, 2024

Day Pitney's Kevin J. Duffy and Naju R. Lathia Honored as New Leaders of the Bar by New Jersey Law Journal  
August 10, 2021

2021 Promoted Partners  
January 6, 2021

Kevin J. Duffy  
January 4, 2021

Day Pitney Elects Four New Partners  
January 4, 2021

Day Pitney Honors Three Attorneys With Pro Bono Award  
February 7, 2017

## In The Media

"How to Retain Talent in Today's Tight Labor Market," 2022 Lex Mundi Managing Partners Conference  
June 17, 2022

Law Journal Announces New Jersey Legal Awards Winners, Finalists  
New Jersey Law Journal, September 23, 2021

Walmart Wins At NJ High Court In Fight Over Medical Terms  
Law360, March 4, 2019

Williams v. American Auto Logistics  
New Jersey Law Journal, August 11, 2016

Supreme Court of NJ Holds that Trial Courts Can't Deny A Jury Trial As Sanction  
Law360, July 28, 2016