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**August 2019**

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**Please visit our New Website:**  
**[www.KSlegal.com](http://www.KSlegal.com)**

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***Congratulations!***



**Chris Kenney & Mike Sams** were recognized in 2020 Best Lawyers in America. Their areas of expertise include: Insurance Law, Labor and Employment Litigation, Construction Law, Construction Litigation and Insurance Litigation.

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***Articles of Interest***

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# The Meaning Behind the 'Your Work' Insurance Coverage Exclusion

By: Kristen R. Ragosta

In *All America Insurance Company vs. Lampasona Concrete Corporation*, the Massachusetts Appeals Court recently held that while the 'your work' exclusion to comprehensive general liability (CGL) insurance coverage precluded coverage for repairing the insured's defective work performed on one flooring layer during a construction project, the exclusion did not preclude coverage for damages that the insured's defective work caused to other layers within the integrated flooring system after the project was completed.

[Read Full Article Here:](#)

## What Employers Need to Know about the New Massachusetts Paid Family and Medical Leave Law

By: Lindsay Burke

By: Lindsay M. Burke

Last year, Massachusetts Governor Charlie Baker signed the Massachusetts Paid Family and Medical Leave Act (PFML) into law. This new law significantly changes the landscape for employers in Massachusetts.

### Summary of the New Law

The PFML gives certain eligible employees access to paid leave benefits, beginning in 2021. They can start claiming PFML benefits for bonding with a child or newborn or to deal with a personal serious health condition on January 1, 2021, and can start claiming PFML benefits for caring for a family member with a serious health condition on July 1, 2021. A family member is a spouse, domestic partner, child, parent, parent of a spouse or domestic partner, grandchild, grandparent, or sibling.

The fund that will pay for this benefit will be filled through contributions from both employers and employees. Although employees cannot take advantage of the paid leave until 2021, employers must take certain steps this year and next to prepare.

[Read Full Article Here:](#)

## Firm Happenings

### Massachusetts Bar President Wrap -Up

**Chris Kenney** recently completed his term as President of the Massachusetts Bar Association (MBA). The MBA's theme this year was civic education and engagement, and its initiatives advanced that theme throughout the year.



Noteworthy events included: A Civics Bee that raised \$15,000 to help fund the new civics curriculum development in Massachusetts public schools, hosted civics training sessions for Boston Public School teachers, provided pro bono representation to disabled applicants who require assistance in the naturalization process to achieve U.S. Citizenship, and conducted the first MBA Trial Academy to train litigators on trial fundamentals to provide pro bono representation to indigent litigants in District Court civil lawsuits.



## Women's Bar Association Emerging Women Leaders in the Law

**Lindsay Burke** has been chosen to receive the ***WBA's Emerging Women Leaders in the Law*** Award. This award honors women who have demonstrated professional excellence or had a significant professional achievement in approximately the first 12 years of their legal career; and either promoted the status of women in the legal profession or contributed meaningfully to the equal participation of women in a just society.

**Congratulations, Lindsay!**

[WBA Full Announcement](#)





**J. Nathan Cole** has been appointed to the Board of Directors of the Massachusetts Defense Lawyers Association. The MassDLA is a voluntary association of trial lawyers who defend corporations, individuals and insurance companies in civil lawsuits.

**Nate** recently presented on contractor's liability for injuries to subcontractor employees at the recent International Association of Defense Council (IADC) annual meeting in Asheville, NC.

**Julianne Fitzpatrick** co-presented at the MassDLA 2019 Annual Meeting & Spring Seminar on E-Discovery Traps, best practices and avoidable pitfalls.

**Julianne** also graduated from a one-year fellowship in the Massachusetts Bar Association's (MBA) Leadership Academy. Fellows are competitively selected from a state-wide pool of nominees. The curriculum focuses on development of leadership skills, public speaking, media relations and effective management techniques.

**MCLE Trustee and Treasurer, Mike Sams** presented the 2018-2019 MCLE Scholar -Mentor Award to Hon. Angela Ordonez. The MCLE recognizes individuals who have "raised the bar" through their career-long contributions to the continuing legal education of the bar and their exceptional service to the legal profession,

**Mike** also served on the faculty for this years **MBA Trial Academy**. A faculty consisting of seasoned experts offering trial-related lectures on ethics, civility, and presentation skills.



**Ross Wecker** recently served on the faculty for a construction law program for Half Moon. Ross presented on the AIA 201-2017 general contract terms and how they compare to other industry contracts.

## ***Kenney & Sams New Faces***



The firm welcomes **Dan Conroy**. Dan is a seasoned civil litigator with substantial experience handling complex commercial and business disputes. He has appeared before the Massachusetts and Federal trial and appellate courts, including the Supreme Judicial Court.



Kenney & Sams welcomes **Patricia Gary**. Trish is a litigator who handles complex commercial disputes for individuals and businesses across a broad range of industries.

Trish has briefed and argued over forty appeals before the Massachusetts Appeals Court, Supreme Judicial Court, and U.S. Court of Appeals.



The firm welcomes **Marco Bon Tempo**. Marco is a skillful litigator who focuses on business and construction law disputes for companies, contractors and subcontractors.

He has extensive experience defending clients, having handled over 100 trials in addition to mediations and arbitrations over the course of his career.

## ***Recent Successes***

**Michelle De Oliveria and Michael Sams** won a trial at the MADOT regarding our client's right to full payment on a public construction project. K&S successfully established that MADOT had unilaterally adjusted the contract based on a misinterpretation of statute and contract, and that the client was entitled to full payment.

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After a two-week jury trial in the Superior Court Business Litigation Session, **Chris Kenney** won a declaratory judgment that his client is the sole owner of a \$7,500,000.00 commercial real estate portfolio and was awarded damages and interest totaling \$260,000. The jury also found that the defendants' conduct in making false corporate filings with the Massachusetts Secretary of State was an unfair and deceptive practice and awarded our client attorney's fees and triple damages for that offense.

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**Michael Sams** recently won a five-day arbitration for our general contractor client on a restaurant project. The Owner had withheld payment on a variety of allegations which K&S established to be unfounded. K&S received payment in full for its client.

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**Michael Sams and Roddy Ames** recently obtained a significant arbitration award at JAMS in favor of their clients.

The Arbitrator's findings highlight the importance for contractors to comply with M.G.L. c. 142A (The Home Improvement Contractor Statute) in their contracts as well as their business dealings and conduct with customers.

The client homeowners hired a general contractor to renovate their basement. Issues with substandard work and miscommunication developed immediately. The contractor provided the homeowners with a wholly deficient contract in violation of c. 142A. Several months past the project deadline, the parties agreed to part ways. At that time, the contractor promised to reconcile the project costs, agreeing to return money that he was

overpaid for work not yet performed and certain work that needed to be completely redone. Unfortunately, the contractor failed to return the money he promised and never corrected the work.

Following a 3-day arbitration, Kenney & Sams obtained a judgment for the full amount of the cost to repair the deficient work and complete the contract. The Arbitrator also found that the contractor violated c. 142A as well as M.G.L. c. 93A (the Consumer Protection Act). As such, the award included multiple damages, attorney's fees, and pre-judgment interest from the date of the breach of contract.

## ***Not All Work....Some Play!***



### **Kenney & Sams Night at Fenway**

So much fun to beat the Dodgers in the World Series re-match, as well as to get our families together!



### **Lawyers Have Heart**

A small, but mighty crew from K&S, participated in the 2019 Lawyers Have Heart 5K Race in Boston, from funds for the American Heart Association.



### **Mike Sams BRAGB Member Spotlight**

Find out Mike Sams key to success in this spotlight issue!

## ***Kenney & Sams Prides Itself on Having "Raving Fans"***

***"You are one person I KNOW I can count on...when things got tough. You were the tiger that got me breathing room. No one else was there...."***

***"Thank you all so much for the professionalism, skill, and masterful advocacy..."***

***"Thank you for taking this case and helping us come to a resolution as painless as possible....you did not disappoint."***

***"I'm thrilled to be working with you and look forward to the next steps."***

