# Kevin C. McCaffrey

PARTNER

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## Practice Areas

- Appellate
- Asbestos Litigation
- Catastrophic Personal Injury
- Complex Civil & Business Litigation
- Construction Litigation
- Environmental
- National and Regional Coordinating Counsel
- PFAS
- Premises Liability
- Products Liability
- Toxic Tort Litigation

## OVERVIEW

Kevin McCaffrey has twenty-five years of experience as a litigator in numerous jurisdictions, specializing in catastrophic injury and death cases primarily in the context of products liability and construction accidents. He has successfully represented both national and global companies in high-exposure cases throughout the northeast US, including diversified product manufacturers and service suppliers for commercial, industrial, defense, and energy markets. Kevin has briefed and argued more than one hundred appeals before both state and federal courts, and has served as co-trial counsel on multiple trials in New York and Connecticut.

Kevin has also served as managing attorney on behalf of several companies for asbestos claims pending in New York, New Jersey, Connecticut, Rhode Island, and Massachusetts.

## EXPERIENCE

- Coordinated the multi-state defense for several major companies in the context of asbestos litigation.
- Served for more than ten years as regional counsel responsible for implementing and overseeing defense strategy involving hundreds of high-exposure wrongful death cases across multiple jurisdictions
- Successfully argued before the Connecticut Appellate Court that a deceased asbestos plaintiff's claims should be dismissed due to failure to prosecute.
- Successfully argued before the Second Circuit Court of Appeals that claims against a quasi-government entity sounding in due process and equal protection violations should be dismissed due to failure to comply with federal pleading requirements.
- In a case of first impression, obtained a decision from the Appellate Division, Second

Department, which found that where an infant-plaintiff alleges exposure to lead paint in utero medical records are properly discoverable and not subject to the mother's privilege.

- Won dismissal in the Appellate Division, Second Department, of a severe-injury construction accident case by arguing that the indemnification agreement relied on by the third-party plaintiff contractor was signed and dated only after the accident and should not relate back.
- Won summary judgment on behalf of a major utility in the Appellate Division, Second Department, in a severe-injury trench collapse case by arguing that the work was under the supervision and control of a subcontractor.

## EDUCATION

- J.D., St. John's University School of Law, 2000.
- B.A., Bard-St. Stephen's College, 1996

## ADMISSIONS

- Connecticut
- Massachusetts
- New Jersey
- New York
- Rhode Island
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the District of Connecticut
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the District of Rhode Island
- US District Courts for the Northern, Southern, Eastern, and Western Districts of New York

## MEMBERSHIPS

- New York Bar Association, Member, 2001-Present
- Brooklyn Bar Association, 2001-2013
- Rhode Island Bar Association, Member, 2007-Present

## COMMUNITY INVOLVEMENT

- Brooklyn Bar Association, Volunteer Lawyers Project, Pro Bono Counsel, 2003-2010
- American Freedom Network, Goldwater Institute, Pro Bono Counsel, 2023-Present

## OUTSIDE CETRULO

Kevin is an avid sports fan who for many years was actively involved in coaching and assisting youth travel softball and baseball teams. Now that his daughter and son are off to college, he finds some consolation in following comparatively mundane MLB games. He is also involved as pro bono counsel in efforts to prevent overdevelopment of wildlife habitat, particularly in coastal regions.