

“our clients’ goals become our goals and we achieve them together.”

Kyle G. Everly

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Kyle Everly is a Partner in Nicolson Law Group and focuses his practice on defending cases arising from claims of product liability, construction negligence, construction defect, premises liability, commercial motor vehicle liability, dram shop liability, and fire cause and origin. Throughout his career, Mr. Everly has obtained favorable results for numerous product manufacturers and retailers, as well as general contractors, subcontractors and property owners. Mr. Everly has handled matters on behalf of insurance carriers and their insureds, as well as self-insured corporations.

Relevant Experience

- Represented major off-road vehicle manufacturer in national multi-district litigation.
- Represented major motorcycle and ATV manufacturers in catastrophic injury matters.
- Defended construction negligence cases on behalf of project owners and general contractors utilizing legal defenses set forth by *Beil v. Telesis Construction, Inc. and McDonald v. Levinson Steel Co.*
- Defended multiple subcontractors involved in various trades, throughout large-scale construct defect litigation stemming from development of high-end retirement community.
- Represented leading retailer for high quality home, automotive and specialty power tools, in complex and catastrophic injury matters.
- Defended legal professionals against claims related to alleged defamation and interference with contractual relations.
- Represented national fraternity in several matters stemming from various negligence claims and/or related to the service of alcohol.
- Represented product manufactures in litigation involving residential, commercial and industrial products.
- Represented property owners, property tenants, property management companies and snow removal companies in conjunction with premises liability actions.
- Represented tenants, product manufacturers, contractors and fire suppression companies in actions arising from catastrophic fire incidents.
- Represented nationally recognized quick service restaurant corporation in matters addressing premises liability, premises

Education

Loyola University Maryland
B.B.A. 2002

Widener University School of Law
J.D. 2008
Dean's List
Pro Bono Distinction

Admissions

Pennsylvania

New Jersey

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Western District of Kentucky

U.S. District Court, District of New Jersey

U.S. Court of Appeals for the Third Circuit

U.S. Bankruptcy Court, Eastern District of Pennsylvania

Publications

Contributing Editor, *LexisNexis Practice Guide: Pennsylvania Personal Injury Litigation* (2012 Edition, LexisNexis Matthew Bender).

design, and food ingestion, as well as pandemic-specific issues stemming from increased site volume, need for revision of municipality approved site plans, and co-tenant relations.

Representative Matters

- Obtained summary judgment in favor of three defendants, including a major national rental car corporation facing claims of negligent entrustment of an automobile.
- Obtained dismissal, with prejudice, of a local radio station in dram shop claims stemming from an alcohol-related altercation at a heavily promoted social event.
- Obtained summary judgment in construction negligence matter, on behalf of general contractor. The legal defense was based upon the statutory employer doctrine set forth in *McDonald v. Levinson Steel Co. and Patton v. Worthington Associates, Inc.* Client was sole direct defendant, thereby resulting in dismissal of entire action.
- Obtained dismissal of wireless radio technical support company, in conjunction with Philadelphia County action involving burn injuries to three responding Philadelphia firefighters, allegedly due to malfunction of communication equipment.
- Obtained a favorable settlement in a construction defect claim pertaining to largescale property damage during construction of prominent metropolitan-Philadelphia skyscraper. In representing the only party with liability exposure, Mr. Everly successfully negotiated down from a seven figure demand on a defense predicated upon causation issues.
- Negotiated multi-faceted early settlement on behalf of masonry contractor involved in complex construction defect litigation, thereby successfully extracting party from suit and eliminating extensive future defense costs.
- Facilitated multi-party resolution of claims related to siding installation in construction defect litigation, resulting in timely and cost efficient dismissal of claims.
- Obtained dismissal of wrongful death lawsuit, with prejudice, of a fraternity at a local university involving both dram shop and social host liability claims.
- Based upon investigation and development of viable factual defense, obtained a nuisance value settlement on an invasion of privacy matter filed against the plaintiff's employer and a contracted event vendor.
- Obtained favorable non-binding arbitration ruling and later dismissal, with prejudice, of a commercial building tenant in a slip and fall premises liability matter, based upon language of lease agreement.
- Obtained dismissal of property owner in premises liability matter, basing defense upon expert survey of land at issue.
- Obtained favorable resolution in wrongful death matter arising from a fall accident and resulting death of local prominent legal professional.
- Successfully prevented wrongful death litigation against general contractor, via engaging in pre-litigation discovery and asserting persuasive initial factual defense theories.
- Repeatedly has obtained early dismissals of nationally recognized quick service restaurant corporation, via defenses predicated upon franchisor/franchisee relationship.