



Chad E. Kurtz

Member

Washington, D.C.

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Chad handles complex commercial litigation on behalf of a wide range of corporate clients, from Fortune 500 multinationals to ambitious mid-market firms.

His practice is notably diverse, but Chad has particularly deep experience with individual and class actions alleging online consumer deception (including false advertising and unfair trade practices), real estate litigation, construction litigation, and other contract and fraud claims. He recently co-led the successful defense of a global hotel chain in a proposed national consumer class action that involved allegations of “bait-and-switch” advertising with potential damages in the high eight figures.

Indeed, Chad has accrued substantial courtroom experience, having tried multiple jury and bench trials and arbitrations for key firm clients in major commercial disputes.

In addition to his private practice, Chad is committed to pro bono and civic engagement. Inspired by his family’s own experience with Alzheimer’s, Chad has been active in both local and national fundraising efforts to benefit research and treatment of this devastating disease. He served as vice chair of the YoungNationALZ group, chair of the sponsorship committee for Washington, D.C.’s Walk to End Alzheimer’s, and has raised more than \$50,000 for the Alzheimer’s Association.

Chad received his undergraduate degree from Brandeis University as a member of Phi Beta Kappa. He is the former president of Brandeis’s Alumni Club of Washington, D.C.

He earned his law degree from Temple University’s Beasley School of Law, where he was lead research editor for the *Temple Law Review* and served as a teaching assistant for a Legal Research and Writing course. Chad also served as a judicial intern to The Honorable M. Faith Angell, a U.S. Magistrate Judge of the District Court for the Eastern District of Pennsylvania.

Experience

Online consumer deception cases

- Negotiated a nuisance-value settlement in a large class action against an international hotel company based on alleged deceptive online advertising centered on the nature of a resort fee charged.
- Negotiated a nuisance-value settlement in a large class action against an international hotel company based on alleged deceptive online advertising based on the description of a certain hotel fee.
- Negotiated a nuisance-value settlement in a large class action against an international hotel company based on alleged deceptive online advertising of resort fees in the form of so-called drip pricing. The plaintiffs agreed to the defense-favorable settlement after we obtained a summary judgment ruling that the so-called drip pricing was not deceptive as a matter of law.
- Obtained a voluntary dismissal of a class action against an international hotel company based on

Practice Areas

- Commercial Litigation

Industry Sectors

- Hospitality

Education

- Temple University—James E. Beasley School of Law, J.D., 2008
- Brandeis University, B.A., 2005

Bar Admissions

- New Jersey
- Pennsylvania
- District of Columbia
- Virginia
- Maryland

Court Admissions

- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- Middle District of Pennsylvania
- U.S. District Court -- New Jersey
- U.S. District Court -- District of Columbia
- U.S. District Court -- Maryland
- U.S. District Court -- Eastern District of Virginia
- U.S. District Court -- Western District of Virginia
- U.S. Supreme Court
- U.S. District Court -- Western District of Michigan
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit

Awards & Honors

- *The Legal Intelligencer’s* Unsung Heroes Award 2012
This award is presented to a select group of attorneys that are making a significant impact on people’s lives by devoting their time to pro bono work.

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alleged deceptive online advertising of resort fees in the form of so-called drip pricing.

Real estate litigation

- Convinced a tenant in common in a partition action to agree that my client, the other tenant in common, was 50 percent owner of the subject property and to partition the property by sale.
- Represented property owners seeking to evict tenants for failure to pay rent.
- Counseled a buyer who purchased a house and found flood damage despite the seller having represented that house had no flood damage.
- Prosecuted several commercial foreclosure actions.

Construction litigation

- Negotiated a favorable settlement for a developer facing a delay claim brought by a general contractor in connection with the renovation of an apartment complex.
- Obtained a favorable settlement in representing a super-regional shopping mall owner facing a claim that it failed to pay a concrete and masonry subcontractor.
- Successfully resolved a claim for breach of structural warranty to avoid litigation against a homebuilder.
- Represented a prominent construction manager and developer facing a \$5 million claim that a foundation subcontractor's underpinning damaged adjacent property and that the construction manager and developer fraudulently concealed structural instability of adjacent property from its owner.
- Successfully represented one of the largest construction management companies in the United States in numerous actions filed against subcontractors for abandoning jobs or otherwise breaching subcontracts, including obtaining a \$13 million consent judgment, a \$5 million consent judgment, a \$500,000 confession judgment, and multiple favorable settlements.
- Obtained voluntary dismissal of a Department of Consumer and Regulatory Affairs' claim that a commercial property owner installed an electronic sign without the necessary permit and in violation of a stop-work order.
- Defended an apartment complex owner who refused to pay a masonry contractor for defective work.
- Represented property owners who refused to pay an electronic design and engineering company for having defectively installed electronic equipment across four homes.
- Persuaded one of the nation's largest residential electrical contractors to defend and indemnify a developer and construction manager in a construction injury action, including reimbursing all legal fees and costs incurred.
- Obtained voluntary dismissal of a safety-equipment manufacturer in a construction injury case.
- Negotiated a favorable settlement for a construction manager whose insulation subcontractor allegedly negligently installed pipes during the construction of a condominium that later resulted in substantial flood damage.
- Counseled an apartment complex owner on how to address a contractor's failure to comply with certain change orders.

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- Counseled a developer in connection with a payment dispute with an architect.

Commercial litigation

- Prepared and filed a motion to dismiss, in a life insurance declaratory judgment action, that prompted the plaintiff to dismiss her claims rather than respond.
- Obtained a defense verdict on a claim that a pharmacy benefit management company improperly removed funds from a customer's checking account.
- Obtained a defense verdict for a building and contracting company in a motor vehicle accident case.
- Obtained an arbitration award on a claim that a marketer and distributor of food service products allegedly owed certain rebates.
- Obtained partial dismissal on summary judgment of key claims in a crucial life settlement case.
- Obtained dismissal on summary judgment of a wrongful death claim alleging that a prominent hotel failed to properly treat a guest suffering a heart attack.
- Obtained dismissal on summary judgment for an electrical contractor in multiple asbestos cases.
- Obtained summary judgment that resulted in the client's writ of attachment, which sought to execute upon a judgment for unpaid spousal support, gaining priority over competing writs.
- Obtained voluntary dismissal of a tortious interference claim against a famous climate scientist in response to filing a motion to dismiss that, among other things, showed that the plaintiff lied to the court to gain strategic advantage.
- Obtained a multi-million-dollar settlement for an installation contractor against one of the world's largest furniture retailers.
- Negotiated extremely favorable settlements for dozens of municipalities owed millions of dollars of unpaid municipal utility taxes by public utility companies.
- Defended a bar employee who, along with other bar employees, allegedly chased, assaulted, and killed a passerby who destroyed bar property.
- Prosecuted claims against a producer of a Bollywood movie filmed in Philadelphia who failed to pay dozens of local companies and individuals who worked on the film.
- Represented an employee benefits administrator who allegedly failed to pay a referral fee to a broker.
- Defended a global chemical supplier against a contract claim that it failed to deliver a certain product.
- Achieved numerous favorable settlements in motor-vehicle-accident, slip-and-fall, and other personal injury actions.
- Represented an insurer in a declaratory judgment action in which a physician-insured fled the country and refused to cooperate in defending the claim.
- Defended a class action lawsuit alleging that an ATM owner failed to adequately provide notice of fees.
- Obtained a favorable settlement for an insurer, after it presented our firm with a default judgment

against it, by showing that the plaintiff's defamation claim failed as a matter of law.

- Represented a global loss adjusting, claims management, and risk solutions firm that allegedly spoliated evidence relevant to a flood loss.
- Counseled an insurer in connection with responding to a complicated documents subpoena in a large antitrust action.
- Represented a nationwide property owner and management company in a negligence action involving alleged traumatic brain injury.

Pro bono cases

- Obtained asylum, after a bench trial, for a blind African man with HIV who, if returned to his native country, would lack access to the medication keeping him alive.
- Obtained clemency for a man convicted of conspiracy to distribute cocaine, possession with intent to distribute cocaine, and possession of a firearm and thus reduced his criminal sentence by nearly five years.
- Obtained dismissal on summary judgment of claims for fraud and infliction of emotional distress against a freelance photographer who failed to appear for a scheduled event.
- Represented the claimant in a years-long workers' compensation case.