

People



Benjamin G. Kemble

Office Managing Partner

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vCard

Ben Kemble is managing partner of Akerman's San Antonio office. He is a litigator with extensive experience representing both individuals and entities in a variety of matters. His experience runs from representing major property/casualty and automobile insurance carriers in defense of extra-contractual claims to handling local election disputes. He manages all aspects of litigation, including drafting pleadings and dispositive motions, deposition and trial preparation of witnesses, complex discovery matters, trial, and appellate work (including drafting state supreme and federal circuit court-level briefs and arguing same before appellate panels).

His experience also includes complex commercial disputes, personal injury defense, heavy-highway construction disputes, commercial premises liability, wrongful death and survival, defamation/business disparagement, affirmative litigation for insurance carriers (fraud and recovery of wrongfully-obtained policy benefits), drafting coverage opinions on consumer and commercial insurance policies, and litigating affirmative declaratory judgment actions. He also performs pro bono advocacy on behalf of immigrant rights organizations and local 501(c)(3) animal rescue organizations.

Ben's practice is multijurisdictional, primarily in Texas and Oklahoma.

Notable Work

MasTec, Inc.: MasTec, Inc.: Lead counsel in complex trucking accident case involving multiple claimants and traumatic brain injury claims in excess of \$7.5 million. Upon a trial on the merits, a defense verdict was obtained. *Patricia Monzingo, et al. v. John Flories, et al.*, Case No. DC-18-06028, Dallas County District Court.

Star Operations, Inc.: Second chair in AAA arbitration hearing on the merits, involving complex commercial dispute between general contractor and subcontractor (Star Operations, Inc., Plaintiff) regarding Texas Department of Transportation heavy highway

Areas of Experience

Litigation
Insurance Fraud
Insurance Litigation
Financial Services
Construction
Real Estate Litigation

Education

J.D., University of Texas School of Law, 2005, with honors, *Texas International Law Journal*, Executive Editor; Articles and Notes Editor
B.A., University of Texas at Austin, Japanese; English, 1999

Admissions

Bars

Texas
Oklahoma

Courts

U.S. Court of Appeals, Fifth Circuit
U.S. Court of Appeals, Tenth Circuit
U.S. District Court, Northern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Western District of Texas
U.S. District Court, Eastern District of Texas
U.S. District Court, Northern District of Oklahoma
U.S. District Court, Eastern District of Oklahoma
U.S. District Court, Western District of Oklahoma

Related Content

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construction project. Arbitrator sided with Star Operations, Inc., and awarded a high six-figure sum in damages. *Star Operations, Inc. v. Webber, LLC*, Case No. 2016-CI-18022, Bexar County District Court.

State Farm Fire and Casualty Company: Affirming the district court's order vacating a judgment in favor of a commercial insured in a wind damage claim. Published opinion has already been cited by other federal district courts for proposition that an appraisal award does not entitle an insured to "prevailing party" status. *Hayes Family Trust v. State Farm Fire & Cas. Co.*, 845 F.3d 997 (10th Cir. 2017) (affirmed, argued).

State Farm Fire and Casualty Company: Matter of first impression summary judgment for insurance carrier holding no coverage for contamination due to the presence of methamphetamine fumes or residue thereof on walls and other surfaces in a rental house. Case settled shortly thereafter. *State Farm Fire & Cas. Co. v. Groff*, 2011 WL 3937317 (E.D. Okla. Sept. 7, 2011) (summary judgment).

Acadia Insurance Company: After compelling the parties to submit to the appraisal process, the United States District Court for the Northern District of Texas granted insurer's motion for summary judgment on all of insured's claims. Affirmance by Fifth Circuit has been cited numerous times for issues dealing with appraisal law in Texas. *JM Walker LLC v. Acadia Ins. Co.*, 356 F. App'x 744 (5th Cir. 2009) (affirmed, decided on submission).

Affiliations

- Claims & Litigation Management Alliance