



Kristin Paiva

Partner

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Kristin practices in the areas of commercial litigation and business and personal injury torts. She has experience in litigating disputes for a diverse group of national and local business clients of all sizes in a wide variety of industries. Kristin has represented clients before various trial and appellate courts as well as in arbitral and administrative forums.

Prior to joining Thorpe Shwer, Kristin was an associate for over five years at Fennemore Craig, P.C., one of the largest law firms in the Southwest. Kristin has also been named a Southwest Rising Star in General Litigation for 2013 and 2014 by Super Lawyers.

Kristin is also active in the community including serving as a founding member of Suns Charities 88 and a previous board member of the Arizona Animal Welfare League & ASPCA.

Representative Cases

Participates in the representation of a national franchisor of massage and spa clinics with franchises in all 50 states, including serving as the franchisor's national defense counsel for various kinds of tort claims.

Participates in the representation of national trucking companies including defense of personal injury claims.

Participates in the representation of Class I freight railroads in tort litigation including defense of Federal Employers Liability Act claims and the enforcement of indemnification obligations.

Served as interim in-house counsel for one of the nation's largest solid waste management companies, which included managing outside counsel, contract review and revision, counseling and advising business personnel, among other daily tasks.

Obtained dismissal of client in case involving allegations related to malfunctioning traffic signal.

Participated in successful appeal to the Arizona Court of Appeals involving the preemptive scope of the Locomotive Inspection Act. See [BNSF Railway Company v. Seats Incorporated, 237 Ariz. 259 \(App. 2015\)](#).

Represented federally chartered corporation in lawsuit alleging constitutional violations and civil rights violations.

Represented wilderness outfitting company in an action involving its purchase of a defective airplane. Served as second chair during federal bench trial, which resulted in our client recovering the full amount of damages sought plus attorneys' fees and costs from the airplane seller and mechanic. See *Ram Head Outfitters, LTD v. Mecham*, 2011 U.S. Dist. LEXIS 40903, 74 U.C.C. Rep. Serv. 2d (Callaghan) 261, 2011 WL 1429623 (D. Ariz. 2011).

Represented land developers in special action against wastewater special taxing district regarding the district's imposition of a moratorium on sewer hook-ups to the district's wastewater treatment plant. Obtained summary judgment on claims related to the district's violations of the open meeting laws which led to invalidation of moratorium and a favorable global settlement for our clients.

Successfully defended national homebuilder that had been sued in federal court for breach of contract, fraud and violation of the federal RICO statutes by a disgruntled purchaser. The district court dismissed the plaintiff's claims on motion practice and awarded our client its attorneys' fees and costs incurred. The plaintiff subsequently appealed the district court's decision to the Court of Appeals, Ninth Circuit, where our client again prevailed and was awarded its attorneys' fees and costs incurred in connection with the appeal.

Prosecuted claims on behalf of a solid waste management company against independent contractor arising out of fire damage to a recycling yard and resulting in favorable settlement.

Represented local fine dining restaurant group and was part of team who negotiated a favorable settlement in actions claiming breach of a multi-million dollar promissory note against financiers who purchased the restaurant group and defending against trademark and trade dress infringement claims asserted by the purchaser against the restaurant group.

Represented high-end homeowners association in a dispute over a homeowner's unapproved construction. Following full evidentiary hearing, obtained permanent injunction requiring homeowner to remove the unapproved construction. Also obtained order requiring homeowner to pay our client's attorneys' fees and costs.

Professional and Community Activities

- Member, State Bar of Arizona
- Member, National Association of Railroad Trial Counsel
- Founding Member, Suns Charities 88
- Former Member, Board of Directors, Arizona Animal Welfare League & SPCA

Admissions

- Arizona, 2008
- U.S. District Court, District of Arizona, 2008
- U.S. Court of Appeals, Ninth Circuit, 2010

Education and Honors

- J.D., UCLA School of Law, 2008
- B.S., summa cum laude, Marketing, Arizona State University, 2005

- Submissions Editor, Entertainment Law Review, UCLA School of Law
- Southwest Rising Stars®, General Litigation, 2013, 2014

