



Shareholder | Providence, RI | Boston, MA

## Kyle Zambarano

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### Overview

As a commercial litigator, Kyle represents both businesses and individuals in a variety of high-stakes matters, including commercial disputes, employment disputes and complex tort cases. Kyle brings to all his clients valuable trial experience, having handled jury trials, bench trials, and preliminary evidentiary hearings not only in Rhode Island, but in numerous other jurisdictions in New England. Kyle prides himself on the relationships he builds with all of his clients, which allow him to give informed, candid advice that is in the clients' best business interests.

Among the many different types of litigation matters that he handles, Kyle frequently litigates, and works with his clients and opposing counsel to resolve, disputes between employers and their former employees implicating non-competition provisions and/or trade secret law. Kyle has obtained many favorable outcomes for his non-compete clients, including a national medical care company facing a regional hiring raid of its employees in contravention of the employees' non-competition provisions, which required litigation in multiple forums; a prominent Rhode Island design and manufacturing company facing the departure of an employee who possessed valuable product design information; a parent company threatened with unlawful competition following the purchase of a business; and a terminated employee threatened with the possible enforcement of a two-year non-solicitation agreement.

Prior to joining AP&S, Kyle served for two years as a law clerk for Chief Justice Frank J. Williams of the Rhode Island Supreme Court.

### Experience

- Won summary judgment on all counts for a company involved in a \$20 million dispute over a licensing agreement.
- Successfully sought judicial intervention to protect the corporate assets of an international private equity firm from a local scheme to use confidential corporate information and fraudulent documents to steal millions of dollars from corporate bank accounts.
- Litigated to successful resolution on behalf of a prominent Rhode Island medical provider a *qui tam* claim seeking more than \$10 million.
- Won summary judgment on behalf of a prominent medical provider defending federal and state whistleblower/retaliation claims.
- Helped a former employee facing enforcement of a non-competition provision avoid litigation that would have sought to enjoin him from working for his new employer.
- Won judgment for a local property developer when a neighboring property owner sought to enjoin a residential development.
- Won judgment on the pleadings for a national bank that was sued for \$1 million in damages under the Uniform Commercial Code based on the alleged forged endorsement of checks over a five-year period.

- Successfully litigated and obtained dismissal of a negligence claim brought against an international fuel supply company on a theory of franchisor liability.
- Successfully enforced a non-compete provision on behalf of a prominent Rhode Island design and manufacturing company.
- Successfully enforced a non-compete provision on behalf of a local casino operator.
- Successfully enforced a non-compete provision on behalf of a local orthopedics distributor against a former salesperson who left for a competitor.
- Prevented multiple different lawsuits against a national bank and protected its assets through successful advice concerning compliance with Rhode Island's trustee process statute to avoid liability for the debts of the bank's customers to third parties.
- Won dismissal of a lawsuit brought against an international electronic payments processor for breach of contract containing a forum selection clause.
- Secured payment for shares of stock of a closely-held corporation owned by minority shareholders who dissented to a corporate merger.
- Assisted several local residential condominium associations resolve litigation brought by a unit owner.
- Secured the removal of the independent trustee of 25 irrevocable trusts on behalf of family settlers.
- Precluded a proffered expert witness from testifying that a local credit union's former employee suffered from post-traumatic stress disorder caused by the termination of her employment, and then at trial won a defense verdict on that claim.
- Successfully petitioned for the appointment of a receiver of a fledgling LLC on behalf of one of its two members faced with the threat of a buyout of its interest for no value.
- Persuaded the Rhode Island federal court to stay federal litigation and abstain from exercising jurisdiction, which allowed the client to proceed in its desired forum and avoid significant additional litigation costs.
- Persuaded the Rhode Island federal court to exercise its discretion in favor of retaining a case in accordance with the federal statute governing supplemental jurisdiction, thereby preserving the client's ability to proceed in its preferred forum.
- Won a motion to dismiss pursuant to a little-used statute of limitations pertaining to the sales of goods.

## Credentials

### Practices

- [Intellectual Property](#)
- [Litigation](#)
  - [Complex & Business Litigation](#)
  - [Products Liability/Toxic Tort/Mass Torts](#)
  - [Appellate](#)
  - [Intellectual Property Litigation](#)
- [Labor & Employment](#)

### Education

- Roger Williams University (J.D., *cum laude*, 2004)
- University of Rhode Island (B.A., 2000)

## Admissions

- Rhode Island
- Massachusetts
- U.S. District Court, District of Rhode Island
- U.S. District Court, District of Connecticut
- U.S. District Court, District of Massachusetts

## Honors

- Selected by his peers for inclusion in the 2024 – 2026 editions of The Best Lawyers in America® in the field of Commercial Litigation.
- Named 2016 Commercial Litigation Lawyer of the Year by *Finance Monthly Magazine*.
- Named Rhode Island *Rising Star*, by the publishers of *Super Lawyers* 2009, 2010, and 2013 – 2018.
- Named by the Rhode Island Supreme Court as an Article III, Rule 18 Substitute Counsel.
- Graduated *cum laude* from Roger Williams University School of Law in the top ten percent of his class.
- Graduated from University of Rhode Island with highest distinction, completed the University's honors program, and inducted into Phi Beta Kappa.

## Seminars/Publications

- Author, *Requiring Security for Costs in Rhode Island Litigation*, Rhode Island Bar Journal, March/April 2019
- Co-Author, State Law Chapter, *Consumer Protection Law Developments II*, April 2016.
- Author, *Long v. Dell* and its Decoding of Rhode Island Consumer Protection Law (Listed as one of the most popular reads on JDSupra, September, 2014).
- Co-Author of the Rhode Island Update of the 2012 and 2013 Review of *Consumer Protection Law Developments*.
- Co-Author of the Rhode Island Chapter of the *Tort Law Desk Reference: A Fifty State Compendium (2008 – present)*.
- Author, "Rhode Island's Right to a Safe School: A Means to an End of an End Without Means?," 8 Roger Williams U.L. Rev. 383 (2003).
- Two-year member, *Roger Williams University Law Review*; elected Notes & Comments editor in final year.

## Professional Affiliations

- Leadership Rhode Island Kappa II Class Graduate.
- Director, Defense Counsel of Rhode Island.
- Member, Federal Bar Association.
- Member, Defense Research Institute.
- Member, Rhode Island Bar Association.

## In The Community

- Girls Youth Soccer and Basketball Coach (2018 – Present).
- Former Board Member, Rhode Island Council for the Humanities.
- Former Governance Committee Chair, Rhode Island Council for the Humanities.

- Organizer, AP&S Saturday Morning Basketball “Community Assist Fundraiser.”