

Kyle Moran McWaters

Counsel

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Kyle McWaters is a skilled trial attorney, experienced investigator, and former federal prosecutor. He practices complex litigation in white-collar/internal investigations, pharmaceutical, products liability, and toxic tort matters. Kyle represents multinational corporations in both affirmative, commercial breach of contract claims, defense-oriented products liability litigation, and internal investigations. In those representations, he has taken depositions, conducted eDiscovery projects, and authored numerous briefs, including *Daubert* and summary judgment motions, appellate briefs, and motions to dismiss. Kyle obtained a firm client's dismissal from two frivolous lawsuits through motions practice at the motion to dismiss stage and, separately, through effective and exculpatory fact development.

Kyle has also managed all aspects of a Telephone Consumer Protection Act putative class action, including the briefing schedule, participating in a Rule 26 conference and the internal discovery process. His experience includes drafting briefs and motions, including Rule 12(b)(6) motions, complaints alleging RICO violations, and discovery disputes in federal and state trial courts and state appellate courts. He has directed internal investigations in response to government-issued subpoenas and overseen document and metadata review for production to the government.

Prior to re-joining the firm, Kyle was an Assistant United States Attorney in the United States Attorney's Office for the District of Columbia, in the Federal Major Crimes Section, and in the Northern District of Oklahoma. In both offices, he oversaw the prosecution of violent and white-collar crimes, including complex conspiracy matters, illegal gun possession, drug distribution, kidnapping offenses, assault on federal officers, fraud, cybercrimes, and domestic terrorism. His work included extensive electronic discovery, all stages of criminal litigation, briefing of novel statutory and constitutional issues, and coordination with other Department of Justice components around the country. Additionally, Kyle led the effective prosecution of an Assistant District Attorney in northern Oklahoma for honest services fraud, wire fraud, and illegal drug distribution. During his time as an AUSA, he tried numerous federal bench and jury trials to verdict, in addition to dozens of preliminary hearings, detention hearings, and motions hearings. In those trials and hearings, Kyle gained experience directing the testimony of fact, expert, law enforcement, and cooperating

witnesses. He also successfully handled matters in front of the United States Court of Appeals for the Tenth Circuit. While with the D.C. USAO, Kyle was awarded the Federal Bureau of Investigation Washington Field Office's United States Attorney Award in recognition of his work.

Kyle received his J.D. from the University of Virginia School of Law where he was a member of the Editorial Board of the *Virginia Journal of Social Policy and the Law*. He graduated *summa cum laude* from Oklahoma Christian University with a B.S. in history where he received the President's Award and the Dean's Award for Outstanding Research.

Services

Business Interruption & Commercial Disputes
Class Action Defense
Complex Litigation
Environmental
Government Investigations, White Collar & Civil Defense
Pharmaceutical & Medical Device
Products Liability & Toxic Torts

Education

University of Virginia School of Law (J.D., 2016)
Oklahoma Christian University (B.S., 2012, *summa cum laude*)

Admissions

District of Columbia
Virginia
United States Court of Appeals for the Tenth Circuit
United States District Court for the Eastern District of Virginia