

Wm. Kelly Nash

Shareholder



Lehi

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Local time 12:53 AM

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More information...

Wm. Kelly Nash is a shareholder and trial lawyer in Dentons' Lehi office, who focuses his practice on complex commercial litigation, business litigation, and corporate law. He represents wide range of businesses and entrepreneurs in state and federal trial and appellate courts throughout the Western United States. He handles disputes involving contracts, securities, employment, healthcare, ERISA, construction, sales and trade practices, intellectual property, licensing, insurance, product defects, finance, real estate, leasing, and regulatory matters involving the SEC, FTC, FAA, FDA, and MLM businesses. Using a solution oriented approach, Kelly also represents clients in settlements, mediations, and arbitrations.

Kelly also provides corporate and business legal services involving organizational and risk management matters, employment, licensing, mergers and acquisitions, commercial contracts, and business negotiations. As a former officer and Senior Counsel in the General Counsel Office of a Fortune 70 company, and having served as an officer, director, and owner of businesses, he brings a practical understanding of business operations, economics, and legal compliance to his work with clients.

Kelly served for several years as an Adjunct Professor at BYU's Marriott School of Business, where he taught Business Law. He heads the firm's Alternative Dispute Resolution group, and serves as a mediator and arbitrator of civil disputes.

Experience

- **Veracity Security Systems, LLC:** Following a 7 day bench trial, obtained a Final Judgment and Permanent Injunction for our clients, dismissing all counterclaims, together with an award of over \$750,000 in attorneys' fees relating to Co-Defendants misappropriation of trade secrets, interference, breaches of fiduciary duties and other related claims. Significantly, we proved "malice" as part of these tortious actions. Noting the threats posed by Co-Defendants, the Court's findings included "The bluster and naivety of these actions would be comical were the threatened consequences not so grave. But again, the actions serve to demonstrate Defendants' malice and willfulness," which it concluded "is ample

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- **BAM Franchising, Inc.:** Successfully mediated a resolution of a state civil RICO claim against a third party LEGO collector, which stemmed from an alleged viral social media extortion campaign relating to a former franchisee's unauthorized consignment arrangement, including a permanent injunction respecting various unlawful activities.
- **Confidential Client:** Successfully mediated a national franchisor's injunction and breach of contract claims against a franchisee, including relating to \$1 million plus misappropriation of IP and brand infringement, resulting in non-competition and non-solicitation agreements, repair of damaged public relations and protection of corporate interests.
- **Confidential Client:** Following years of litigation, successfully mediated complex trust disputes in 2024, obtaining millions in property and cash distributions unlawfully delayed for over a decade and resolving two lawsuits involving multiple clients.
- **Confidential Client:** Obtained 2024 \$375,000 default judgement against a maker and 2025 dismissal of Guarantor's counterclaims in Promissory Note enforcement action in Utah District Court for fraudulent conversion of nearly \$500,000 in principal and interest.
- **Pendleton Point, Inc./Last Chance Laundry, Inc.:** Successfully obtained denials of Motion to Dismiss by District Court and of Request for Interlocutory Appeal from the Idaho Sup. Ct. in clients' property damages case stemming from negligent fiberoptic cable installation.
- **Confidential Client:** Negotiated 2024 multi-million software license and development agreement regarding an innovative cross marketing platform for emerging joint venture partners.
- **CoBon Energy, LLC:** Following an 17 day bench trial primarily focused on defeating a \$50 million counterclaim and extensive post trial briefing, obtained Ruling and Judgment in favor of client (denying counterclaims, but effectuating an equitable walk away (i.e., with no findings of fault or contract liability)). Regarding this complex commercial matter, the credibility of CoBon's principal witness was noted, in contrast to dubious conduct of Defendants.
- **CoBon Energy, LLC:** Based on lengthy appellate briefing and argument and on 5/28/24, the Utah Court of Appeals unanimously affirmed the Utah Fourth District Court's bench ruling and dismissal in CoBon's favor. The ruling dismissed a \$50 million claim against CoBon and its principals with no findings of fault whatsoever. This ruling concludes a 22-year-long legal battle, which featured four appeals and a 17 day bench trial, complex commercial issues and aggressive old-school litigation tactics. Of the outcome, CoBon's principal and primary witness, who's positive credibility was noted at trial, observed: "The Dentons Durham Jones Pinegar trial team exceeded our expectations in strategy, preparation and execution." He continued, "We have confidently and patiently waited for over twenty years for this expected outcome, but can finally close the book on what can only fairly be labeled as an unsupported money grab by CoBon's opponents." A Petition for Writ of Certiorari was summarily denied in August of 2024, effectively concluding the matter.
- **Confidential Client:** Successfully mediated an approximately \$2 million will and property conversion dispute among family members arising from a daughter's undue influence over her aging and incompetent mother's estate, restoring value to estate and preserving equal inheritance interests of beneficiaries.
- **Engels & Volkers:** Resolved two Lake Tahoe, NV real estate fraud and commissions disputes, involving US \$830,000 and US \$10,500,000 respectively, for international luxury real estate brokerage firm.
- **Confidential Client:** Successfully defended multi-million dollar securities fraud and breach of contract claims against an international MLM company, culminating in 2021 voluntary dismissal of all claims with prejudice against the plaintiffs.
- **Confidential Client:** After defending clients in a complex \$3 million plus federal construction lawsuit for years, successfully mediated the dispute with no admission of fault and for a nominal settlement.
- **Cropper Family Trust:** Following a 4 day arbitration relating to a \$1,500,000 luxury cabin dispute among owners/managers, successfully obtained requested declaratory relief and obtained dismissal with prejudice regarding counterclaims of mismanagement and undercapitalization.
- **Advanced Concrete Technologies, Inc.:** Conducted a four-day preliminary injunction evidentiary hearing regarding trade secret misappropriation and non-competition covenants in a US \$1 million technology dispute.
- **Avezen, LLC dba TouchMD:** Obtained dismissal of fraud and breach of contract claims in a US \$100,000+ dispute following an arbitration for a technology company.
- **Classic Jack Construction, LLC:** Settled a US \$100,000+ legal dispute for a general contractor following lengthy discovery and mediation re subcontractor price gouging and breach of contract dispute.
- **Spectrum Aeronautical, Inc.:** Resolved a decade long breach of contract and fraud dispute for jet aircraft development company against subcontractor engineering firm in a US \$1 million dispute.
- **Prosper, Inc.:** Secured a US \$400,000 attorneys' fee award from CA federal court relating to successful defense of clients respecting commercial fraud/conspiracy and breach of contract claims.
- **Todd Rigby:** Settled a large residential fire/flood loss claim against national insurance company for a US \$225,000 supplemental value (in excess of policy limits) based on breach of contract, bad faith and related claims.
- **Federal Financial Group, Inc.:** Secured a preliminary injunction for an insurance sales company precluding defendants from raiding marketing representatives and concluded an arbitration leading to settlement.
- **Confidential Client:** Represented large multi-state painting contractor and affiliates in multi-million DOL overtime wage investigation.
- **BloomCU, LLC:** Mediated resolution of US \$500,000 founders' dispute for credit union technology developer.
- **Confidential Client:** Following limited deposition discovery, negotiated a walk away settlement of an over \$125,000 indemnification claim pending for over 6 years relating to alleged mortgage processing errors.
- **Bronson Medical, Inc.:** Represented telemedicine provider and affiliates re multi-million medicare dispute and resolved numerous licensing disputes.
- **Confidential Client:** Defeated substantial attorneys' fees and costs claim and application for execution writs in Idaho federal court stemming

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permanent injunction and damages.

- **Confidential Client:** Represented educator in dismissal of sexual harassment dispute involving major university.
- **Xcite Satellite, LLC:** Obtained substantial judgment for satellite TV services provider regarding breach of non-competition, trade secret misappropriation and fraud claims against former officer.
- **CoBon Energy, LLC:** Secured partial summary judgment barring counterclaims against principals of a technology licensing and development company in a multi-million dollar matter based on non-compliance with engineering licensing law.
- **Northwest Research, Inc.:** Negotiated and closed multi-million asset purchase agreement with Fortune 100 international transportation company which acquired client of 18 years.
- **Kennedy Marketing Group, Inc.:** Obtained a permanent injunction in UT state court preserving confidentiality of intellectual property (i.e., copyrights, trademarks, trade dress, etc.), enforcing non-solicitation/non-competition rights, and protecting customers of a national advertising firm following trial.
- **CoBon Energy, LLC:** Obtained a partial summary judgment barring all counterclaims against principals for a technology licensing and development company on a multi-million dollar matter based on enforcement of a release.
- **Kennedy Marketing Group, Inc.:** Following an preliminary injunction evidentiary hearing, obtained a US \$500,000 judgment regarding breach of non-competition and trade secret misappropriation claims.
- **Troy Monty / Utah Valley Repair, Inc.:** Settled a complex multi-million dollar accounting, conversion and tax fraud dispute culminating in client's discounted acquisition of a business.
- **Federal Financial Group, Inc.:** Settled US \$100,000 sexual harassment claim against employee of insurance sales company.
- **Northwest Research, Inc.:** Negotiated complex commercial consignment and sales contracts annually with Fortune 100 international transportation company for national warehouseman.
- **Confidential Client:** Concluded a multi-million breach of contract, fraud and licensing dispute for international real estate broker through a walk away settlement.
- **Apex Electrical, LLC:** Obtained stipulated TRO, restraining hostile takeover efforts and return of misappropriated property against Apex former general manager and employee, pending mediation of damages claims.
- **Confidential Client:** Following years of discovery, special litigation committee investigation and extended Nevada arbitration proceedings, resolved multi-million dollar cross claims for breaches of contract and fiduciary duties on behalf of assisted living centers member and manager via confidential settlement.
- **Confidential Client:** In a 2023 probate action to enforce an aging and undistributed multi-million trust for grandchildren beneficiaries, obtained an order suspending malfeasant/trustee who allegedly breached fiduciary duties and self dealt, preparatory to trust liquidation and distribution.
- **Confidential Client:** Informally resolved California probate actions in fall of 2024 following suspension of self dealing and malfeasant trustee, effectuating delayed distribution of multi-million trust and consequential damages.

Recognition

- Martindale-Hubbell 2016 – 2018: Distinguished

Insights

- “Inholders: An Endangered Species?”, 1986

Activities and Affiliations

- **Master of the Bench** – A. Sherman Christensen *American Inn of Court*. The Nation's flagship Inn remains dedicated to shaping a culture of excellence in American Jurisprudence through professionalism, ethics, civility and legal skill development.

Memberships

- Member, Utah State Bar Association
- Member, Salt Lake County Bar Association
- Formerly on the Executive Committee, Utah State Bar - Litigation Section

Prior and Present Employment

- Arbitration and Mediation Practice Group Leader, Dentons Durham Jones Pinegar, 2025
- Adjunct Professor, Business Law, BYU Marriott School of Accounting (nationally top-ranked accounting department), 2014 – 2019 (PT)
- Director and Managing Director, Hill Johnson & Schmutz, LC, 1998 – 2013

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- Associate, Jones Waldo Holbrook & McDonough, 1986 – 1990
- Federal Clerkship, U.S. District Court of Utah | Honorable J. Thomas Greene, 1986 – 1987

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Areas of focus

Alternative Dispute Resolution (ADR)

Arbitration

Business Agreements and Commercial Contracts

Construction and Engineering

Construction and Engineering Disputes

Consumer Services

Employment and Labor

ERISA Litigation

Insurance and Reinsurance

Intellectual Property and Technology

Litigation and Dispute Resolution

Product Liability and Complex Torts

Real Estate

Real Estate

Securities and Shareholder Litigation

Education

Brigham Young University, J. Reuben Clark Law School, 1986, JD, *magna cum laude*

Brigham Young University, 1983, BS, Business Management, *cum laude*

Admissions and qualifications

Admitted Pro Hac Vice in numerous state courts

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Tenth Circuit

US District Court for the District of Utah

Utah

Languages

English

Japanese

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