



## Daniel J. Kelly

### Partner

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Daniel Kelly is a trial lawyer whose practice includes products and premises liability, business litigation, and construction defect litigation.

Dan's product and premises liability experience includes personal injury actions involving elevators and escalators, appliances, medical devices, manufactured homes, electrical equipment, hoists, and wastewater pumps. His toxic tort experience includes Proposition 65 litigation and asbestos product liability involving automobile friction materials, floor tile, wire and cable, military aircraft, and naval ships and submarines.

In asbestos litigation, Dan serves as regional coordinating counsel for a Fortune 500 global security company. He has also represented a leading supplier of process automation and control systems for the chemical, food & beverage, hydrocarbon processing, metals, materials & mining, pulp & paper, and water & wastewater industries. This has included the analysis of corporate history and litigation of successor liability issues and the defense of a wide range of heritage brands in a variety of industrial and commercial settings.

Dan also has experience handling commercial and bankruptcy disputes involving breach of contract, unfair competition, and trade secret matters, including class actions for product manufacturers and suppliers. He regularly advises and represents executive leadership and professional technical talent search firms.

For 30 years, Dan has represented subcontractors and suppliers in construction defect and construction dispute litigation. His work has included the representation of a reinforcing steel fabricator and supplier, framers, and other trades in class action and individual cases involving commercial properties, condominium projects, and manufactured homes.

Dan lives in Mill Valley with his wife and four children. He enjoys bowling, cooking, and playing bocce in the court that was once his backyard vineyard.

### **Education**

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- University of Southern California, Gould School of Law (J.D., 1989)
- University of Southern California, Annenberg School for Communication & Journalism (M.A., 1989)
- University of Illinois, Urbana-Champaign (B.F.A., with honors, 1985)

### **State Admissions**

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- California, 1989
- District of Columbia, 1990
- Illinois, 1990
- Missouri, 2016

### **Federal Admissions**

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- United States Court of Appeals, Third Circuit
- United States Court of Appeals, Ninth Circuit
- United States District Court, Central District of California
- United States District Court, Eastern District of California
- United States District Court, Northern District of California
- United States District Court, Southern District of California
- United States District Court, District of Colorado

### **Service Areas**

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- [Mass Tort & Product Liability](#)
- [Bankruptcy](#)
- [Business Litigation](#)
- [Construction](#)
- [Trade Secret Litigation](#)
- [Food, Cosmetics & Dietary Supplements](#)

### **Industries Represented**

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- Construction
- Electrical Equipment
- Executive & Technical Recruiting
- Fabricated Metal Products
- Insurance Premium Financing
- Machinery Manufacturing
- Manufactured Housing
- Retail Stores

### **Experience**

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- Obtained a defense verdict in an elevator incident premises liability action
- Successfully defended a manufactured housing manufacturer in a class action alleging defects in the siding and exterior wall construction
- Obtained a judgment for a media company for unpaid radio commissions and successfully defended against an unfair competition cross-complaint
- Obtained a judgment of nonsuit on behalf of a leading North American specialty paper producer in a mesothelioma asbestos premises liability case
- Advised and represented a specialty retailer with respect to lease, commercial litigation, and copyright matters
- Represented an industrial pump manufacturer in a construction dispute arising out of the expansion of a municipal wastewater reclamation facility

### **Publications & Events**

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#### **PUBLICATIONS**

- “‘Take-Home’ Asbestos Claims Rulings by California and Georgia Supreme Courts Impact Claim Viability,” DRI’s *The Voice* (December 2016)

#### **Honors**

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- Martindale-Hubbell® AV Preeminent® Peer Rating

#### **In the Community**

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- State Bar of California
- Federal Bar Association
- United States Naval Institute