



Christopher Miles Kolkey Partner

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

916.520.5320 | Direct
ckolkey@downeybrand.com

Practice Areas

Appellate & Writ Practice | Complex Business Litigation | Construction Litigation | Trust & Estate Litigation

Clients rely on Christopher Kolkey to navigate them through the complex channels of litigation and to be a passionate advocate for them. Christopher takes a client-tailored approach to litigation, assessing the needs and goals of each case as a key driver in litigation strategy.

Christopher has litigated cases on two continents, both the west and east coasts, in state and federal courts, as well as before arbitration panels. His practice focuses on complex litigation, with emphases in construction law, trust and estate litigation, and appellate law.

Experience

Business Litigation

- Represented eight defendants in complex civil RICO case for \$27 million against Taiwanese creditor, drafting 80-page motion for summary judgment, and managing millions of pages of written discovery with over 40 depositions on two continents and hundreds of discovery disputes before two court-appointed special masters. The defendants reached a favorable settlement for even less than the cost of trial.
- Represented plaintiff in a breach of contract lawsuit for over \$1.6 million involving a gambling debt. Successfully moved for summary adjudication. The Los Angeles Daily Journal reported about the first-of-its-kind ruling, which relied, in part, on a 150-year old case.

Construction

A core component of Christopher Kolkey's practice is construction litigation. In that practice, Mr. Kolkey represents owners/developers, general contractors, subcontractors, material suppliers, and sureties. His representation spans both government entities and private business entities.

- Represented surety against project owner in construction defect case involving a \$5 million claim to

enforce a performance bond. Successfully moved for summary judgment without taking a single deposition.

- Represented public entity in resolution of a multi-million dollar construction dispute involving time-impact delays and analyses and liquidated damages.
- Represented subcontractor in multi-party complex litigation involving over \$100 million in claims.
- Prepared and responded to bid protests, which has included, *inter alia*, successful submission of bid protest leading to approximately \$24.7 million contract.
- Prepared mechanic's liens, stop payment notices, and partial/full releases of mechanic's liens and stop payment notices.

Trusts and Estates

Another core component of Christopher Kolkey's practice is trust and estate litigation. In that practice, Mr. Kolkey represents trustees and beneficiaries.

- Represented beneficiary in trust dispute involving sister surrounding the validity of a trust amendment. Successfully obtained the invalidation of trust amendment and surcharged trustee over \$200,000.
- Defended a family member against a claim filed by trustee in federal court arising from alleged breach of quasi-contract. Successfully drafted and argued motion to dismiss on statute of limitations grounds.

Appeals

Christopher Kolkey has been involved with appeals at both the state and federal levels. Selected opinions include:

- *Zahnleuter v. Mueller* (2023) __ Cal.Rptr.3d __ (successfully defended appeal of \$201,164.15 surcharge award against trustee).
- *City of Rocklin v. Legacy Family Adventures-Rocklin, LLC* (2022) 86 Cal.App.5th 713 (successfully defended appeal of \$73,851.96 award of attorney fees and costs following finding anti-SLAPP motion was frivolous).
- *Cooley v. California Statewide L. Enforcement Ass'n*, No. 19-16498, 2022 WL 1262015 (9th Cir. Apr. 28, 2022), cert. denied, 143 S.Ct. 405 (U.S. Nov. 7, 2022) (No. 22-216) (successfully argued and defended appeal filed in the wake of the United States Supreme Court's ruling in *Janus v. AFSCME Council 11*, 138 S. Ct. 2448 (2018)).

Professional & Community Service

- Leadership Sacramento, Sacramento Metro Chamber Foundation, Class of 2021
- Sacramento Metro EDGE
- Association of General Contractors of California
- California Construction and Industrial Materials Association (CalCIMA)

- Anthony M. Kennedy American Inn of Court
- Sacramento County Bar Association, Civil Litigation Law, Construction Law, and Appellate Law Sections
- California Lawyers Association, Litigation Section
- UCLA School of Law, faculty-selected writing adviser for first-year law students
- *UCLA Journal of International Law and Foreign Affairs*, Chief Production Editor

Education

- J.D., University of California at Los Angeles, School of Law, 2014
- B.A., *magna cum laude*, History, University of California at Los Angeles, 2011

Honors & Rankings

- Best Lawyers in America[®], Ones to Watch, Commercial Litigation, 2024
- *Super Lawyers*, Northern California Rising Star, Construction Litigation, 2023
- *Sacramento Magazine*, Top Lawyer, Construction, 2023
- Phi Beta Kappa Honor Society

Blogs

- *Hey, That's Also My Turf! Contract Claims Involving Estates May Be Litigated in Federal Court*, May 8, 2023
- *He Who Has the Gold Does Not Always Rule—Court Reinforces Trustee's Duty of Neutrality*, March 27, 2023
- *Schism Deepens on California Trust Modification*, March 15, 2022
- *Trust Modification/Amendment Procedure Now Unsettled in California*, October 11, 2021
- *Lights, Cabin, Action! A Showdown Over Jurisdiction and Venue*, January 11, 2021
- *En Garde! A Trust's Revocation Method May Not Be Enforced Unless It Explicitly States It's the Exclusive Means of Revocation*, July 29, 2020
- *Trustees May Not Need Lawyers to Seek Instructions from California Courts, But the Do-It-Yourself Approach Remains Hazardous*, April 27, 2020
- *Mind Your Notice in California – Even Remote Contingent Beneficiaries May Need to Be Served*, March 19, 2020
- *Don't Rely on a Post-It® Note to Amend Your California Trust*, October 28, 2019
- *California Probate Administration Is No Time for Napping*, July 2, 2019
- *Free Rider No More — When Can a California Trust Beneficiary Shift Legal Fees to Other Beneficiaries?*,

February 6, 2019