



Kelly L. Pope

Partner / Pro Bono Partner

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Practice Areas

Bankruptcy & Insolvency | Complex Business Litigation | Eminent Domain
& Inverse Condemnation | Family Law

Kelly Pope is an experienced litigator whose practice focuses on representing clients in family law, bankruptcy, and eminent domain matters.

Kelly specializes in civil litigation with an emphasis in family law, bankruptcy, and eminent domain litigation. In the family law realm, she represents clients in complex disputes involving property and business valuation, support, forensic tracing, custody, and premarital and post-marital agreements. Kelly represents clients who own technical, professional, industrial, and agricultural businesses. Kelly's experience also includes representing professionals including attorneys and physicians, ranchers, farmers, developers, professional athletes, investors, and homemakers. Kelly is an advocate for racial and gender equality, and enjoys a very diverse client base.

Kelly's bankruptcy work includes representing secured and unsecured creditors in Chapter 7, 11 and 13 cases, debtors in Chapter 11, and plaintiffs and defendants in bankruptcy court adversary proceedings.

In her eminent domain practice, Kelly has extensive experience assisting public agencies in acquiring real property interests for large and small projects, including levee improvement and other flood control projects, drought-related projects, road widening projects, and transmission line projects. Kelly assists public agencies with all phases of the property acquisition process, including pre-project planning, negotiation with property owners, working with regulatory agencies within the State and Federal governments (such as the Department of Water Resources and the Army Corps of Engineers), working with right of way agencies and appraisers, negotiating real property contracts, and litigation in compliance with the Eminent Domain Code.

Working with forensic accountants and other forensic experts, Kelly has distinguished her practice as being one that strives for a business-like and non-litigious resolution. However, she has vast experience in the courtroom. Kelly has extensive experience in all aspects of California and federal civil procedure, including evidentiary hearings, trial, private arbitration, mediation, drafting and opposing motions, arguing motions in state and federal court, propounding and responding to discovery, taking and defending depositions, retaining and working with expert witnesses, securing provisional remedies, including prejudgment possession of property, and drafting and opposing Chapter 11 and Chapter 13 plans of reorganization.

The recipient of several honors in the legal field, Kelly strives for excellence while remaining committed to

practicality.

Experience

Representative Family Law Experience

- Downey Brand's family law practice is particularly sensitive to the privacy of its clients, thus the family law group does not discuss specific case results.

Representative Bankruptcy Experience

- Represented secured creditor that was owed more than \$1.6 million on an apartment building in Chapter 11 bankruptcy filed by borrower with nine rental properties. Obtained order requiring debtor to pay significant attorneys' fees and default interest as part of client's claim. Obtained favorable rulings regarding client's treatment under debtor's plan of reorganization after three-day trial.
- Represented agricultural lender that was owed more than \$4.0 million in bankruptcy of commercial rice farmers. Filed adversary proceeding against the borrowers and a related family business on theory that the family businesses operated as a single farming partnership for profit. Defeated attempts to dismiss the partnership theories of liability.
- Represented houseboat business in Chapter 11 reorganization through confirmation of Chapter 11 plan.
- Represented unsecured creditors in bankruptcy filed by developer of Panamanian real estate, and successfully moved for partial summary judgment in related litigation filed by the debtor.
- Successfully defended first deed of trust holder in adversary proceeding filed by another creditor asserting a priority of interest in Chapter 11 bankruptcy. Conducted oral argument at the Ninth Circuit Court of Appeals, which affirmed bankruptcy court's grant of summary judgment resolving the adversary proceeding in favor of the first deed of trust holder and other defendants.

Representative Eminent Domain Experience

- Represented Alameda County Flood Control and Water Conservation District, Zone 7 in eminent domain action against aggregate mining company to construct a groundwater well and pumping facility, and successfully obtained emergency order of possession based on drought emergency.
- Represented Three Rivers Levee Improvement Authority in more than 60 property acquisitions in Yuba County for two large levee improvement projects, including the construction of the largest setback levee in the western United States.
- Represented Sutter-Butte Flood Control Agency in property acquisitions for a 44-mile levee improvement project along the west bank of the Feather River.
- Represented the Modesto Irrigation District in eminent domain actions involving the acquisition of property for a 230 kV transmission line.
- Represented CalPERS in the condemnation of its property by the City of Sacramento for the new Sacramento Kings Arena.

- Represented San Joaquin Area Flood Control Agency in eminent domain action involving acquisition of property interests from a golf course for a flood control project.
- Represented City of Folsom in eminent domain actions to acquire property for road widening project.
- Represented owner of agricultural property in condemnation action brought for road widening project.

Professional & Community Service

- Leadership Sacramento, Sacramento Metro Chamber Foundation, Class of 2013
- Women Lawyers of Sacramento, 2010-present; President, 2018
- Sacramento Theatre Company, Board Member, 2017-present
- California Bankruptcy Forum Annual Insolvency Conference, 2016-2021
- Sacramento County Bar Association, Family Law Section
- Sacramento County Bar Association, Bankruptcy and Commercial Law Section
- California Lawyers Association, Family Law Section
- North Natomas Little League, Volunteer
- *UCLA Women's Law Journal*, Former Co-Editor in Chief

Education

- J.D., University of California at Los Angeles School of Law, 2004
- B.A., University of Nebraska Lincoln, 2001

Honors & Rankings

- Best Lawyers in America[®], Commercial Litigation, 2021-2024
- Best Lawyers in America[®], Family Law, 2023-2024
- *Sacramento Magazine*, Top Lawyer, Family Law, Bankruptcy and Creditor/Debtor, Eminent Domain, 2015-2023
- *Super Lawyers*, Northern California Rising Star, 2011-2014
- *Sacramento Business Journal*, Best of the Bar, 2015-2016, 2019
- Phi Beta Kappa Honor Society

Speaking Engagements / Events

- *COVID-19 Webinar No. 2: Considerations for Businesses & Employers*, Downey Brand COVID-19 Webinar Series, March 27, 2020

- *Severance Damages and Offsetting Benefits: Theory and Practice*, Eminent Domain Institute, 12th Annual Conference, San Francisco, Co-Presenter, October 2010
- *Apportionment, Payment and Cancellation of Ad Valorem Property Taxes on Property Acquired by Eminent Domain*, International Right of Way Association, Chapter 2, Sacramento, Presenter, April 2010
- *Apportionment, Payment and Cancellation of Ad Valorem Property Taxes on Property Acquired by Eminent Domain*, Continuing Legal Education (CLE) International, Eminent Domain Conference, San Francisco, Presenter, November 2009

Legal Alerts

- *COVID-19 and Child Custody*, March 14, 2020