



## Kelly M. Breen Counsel

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### Practice Areas

Complex Business Litigation | Construction Litigation |  
Environmental/Toxics Litigation | Products Liability | Real Estate

Kelly Breen has a proven track record of helping clients navigate complex business issues with a common sense approach that achieves optimal results. She applies the right balance of aggressive advocacy, robust understanding of the law, and creative problem-solving to every case she handles.

Kelly is a trial attorney who focuses her practice on commercial litigation with an emphasis on real estate litigation, construction defect litigation, personal injury defense, premises liability, shareholder disputes, environmental litigation, and product liability cases. Kelly has represented a variety of corporate clients in both federal and state court. She is experienced in all aspects of litigation, including taking and defending depositions, drafting and arguing dispositive and evidentiary motions, and negotiating favorable settlements. Kelly has independently handled cases from start to finish and has successfully obtained dismissals of numerous cases on summary judgment. As a second-chair trial attorney, Kelly is experienced in all phases of trial, including voir dire questioning, expert and fact witness cross-examination, and argument of key evidentiary motions. Clients have come to rely on Kelly's pragmatism and tenacity, and in turn have come to expect great results from her work.

## Experience

- Won a defense jury verdict on behalf of a world-wide elevator manufacturer in a personal injury case involving a spinal injury resulting from a sudden drop in an elevator.
- Defended an international ride-sharing technology corporation against a gender discrimination claim brought pursuant to the Unruh Civil Rights Act.
- Represented a national refrigeration company in pre-litigation negotiations involving breach of contract, breach of warranty, and unfair competition claims.
- Defended an international ATM manufacturer in numerous motor vehicle accidents alleging personal injuries.
- Defended a national structural steel manufacturer in a construction defect case alleging negligence, breach

of contract, and indemnity.

- Defended asbestos product manufacturers in both personal injury and wrongful death actions alleging negligence, strict liability, and various intentional torts.
- Defended a world-wide elevator manufacturer in a breach of contract case alleging nuisance, elder abuse, disparate impact disability discrimination, unfair business practices, and intentional infliction of emotional distress.
- Defended a major networking manufacturer in an antitrust action alleging abuse of monopoly power, tying, and unfair competition.
- Represented the liquidating trustee of a sub-prime mortgage company in an adversary bankruptcy proceeding involving breach of fiduciary duty, avoidance of fraudulent transfer claims, and director and officer liability claims.
- Defended the domestic subsidiary of an international polyurethane spray foam equipment manufacturer in a trade libel action alleging tortious interference, unfair competition and misappropriation of trade secrets.
- Represented a premier dental school in a construction defect case against developers, builders, contractors, engineers and manufacturers resulting in a multi-million-dollar settlement.
- Represented commercial tenants, landlords, and investors in real estate disputes involving breach of contract, negligence, nuisance, indemnity, unfair business practices and fraud allegations.

## Professional & Community Service

- California Minority Counsel Program, 2016-present
- Asian Bar Association of Sacramento, 2019-present
- Women Lawyers of Sacramento, 2019-present
- Sacramento County Bar Association, Civil Litigation Law Section, 2019-present
- California Lawyers Association, Litigation Section

## Education

- J.D., University of California, Hastings College of the Law, 2009
- B.A., *cum laude*, University of Pennsylvania, 2005

## Honors & Rankings

- Clerkship, Misdemeanors Unit, United States Attorney's Office, Northern District of California, 2009
- Externship, Honorable Carla M. Woehrle, United States District Court, Central District of California, 2007