



**KELLY L.  
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PARTNER

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### Practice Areas

- Automobile Accident Defense
- Commercial Lines (Premises Liability)
- Construction Defect Litigation
- Contract Disputes
- Environmental Liability
- Excess Liability Claims
- Fire and Explosion Litigation
- Fraud Defense/EUO
- Municipal Liability Defense
- Personal Lines (Premises Liability)
- Products Liability
- Professional Liability
- Retail and Restaurant (Premises Liability)
- Sexual Abuse Defense
- Transportation Defense
- Wrongful Death Defense

Kelly is a skilled civil litigator with considerable practice experience in state and federal courts throughout the United States. She is admitted in Illinois, Florida, Michigan, and Wisconsin as well as a number of federal courts. Kelly began her career in Florida at the Miami-Dade Public Defender's Office, where she represented juveniles and adults charged with various crimes from misdemeanors to serious felonies. Thereafter, she transitioned to civil litigation defense and worked for a prestigious insurance defense firm prior to departing Miami, where she focused on an array of complex matters including catastrophic injury and wrongful death matters, including products liability, construction, trucking and transportation, negligent security, and all types of general civil litigation matters.

Kelly also has knowledge in construction cases including those involving industrial jobsite accidents, negligent construction and design cases involving traffic controls and devices, as well as roadway construction and design. She also has experience with niche areas of the law including UCC claims, fraudulent transfer of assets, consumer fraud, negligent security cases, fire and explosion claims, and well as maritime matters.

In 2014, Kelly relocated to Chicago and worked for nearly six years at a prominent insurance defense firm, where she was promoted to partner in just more than three years. There, she gained invaluable trial and trial preparation experience on extremely high exposure cases involving wrongful death and/or catastrophic injuries, including product liability, construction, trucking and transportation, maritime, nursing home negligence, civil rights and municipal liability, and commercial matters, among others.

Kelly has represented numerous Fortune 500 companies, as well as construction, manufacturing, and trucking companies. She has also worked with many of the top insurance companies.

Kelly has been an avid sailor since the age of four and hopes to get more involved with the sailing community in Chicago. She also enjoys taking her puppy on walks along the lakeshore path and to the dog parks.

## **Articles**

- “Illinois Update – Current Trends in Cook County Courts”

## **Memberships**

- Chicago Bar Association
- Litigation Section of the Michigan Bar
- Young Lawyers Section of the Florida Bar

## **Trial and Case Highlights**

- Kelly was parachuted in on three boat explosion cases that had been litigated for five years previously. Kelly, admitted in Florida, took the lead. The cases arose out of a major explosion aboard a 32' pleasure craft in Tampa, Florida, which very severely injured 11 individuals, including one Plaintiff losing all four limbs and another that lost one. The issues were complicated, and Kelly worked closely with retained electrical engineers, cause and origin expert, and metallurgist who actually built together a to-scale test chamber simulating the engine compartment of the subject vessel to run a series of tests in order to determine both the fuel source and the ignition source. Kelly observed many of these tests in order to determine both the fuel source and the ignition source. Kelly observed many of these tests in order to learn the most probable causes of the explosion, build our defenses and prove, systematically, that each theory set forth by Plaintiff's key experts on both the ignition source and the fuel source was incorrect. Ultimately, ensuring the defense had the most effective experts, confirming that the necessary motions were prepared, and working closely with experts, led to a very favorable settlement of merely 15% of what Plaintiff was seeking to obtain for all 11 Plaintiffs in all three cases.

- Kelly recently represented a defendant in a trial that went to verdict in Cook County. A local union ironworker was crushed during the erection of a tower crane when he leaned his body outside of the tower crane, in the way of a climber making its way down the crane. The crane technician, also the assembly/disassembly director and designated signal person, failed to obtain the all-clear prior to ordering the crane operator, who was “in the blind,” to engage the lever to lower the climber and lowered the climber as it crushed the decedent. The decedent made over \$200,000 a year and had three minor children and a wife. The jury awarded the Plaintiff only 12% of the total they were seeking, which was then further reduced to after the decedent’s portion of negligence was accounted for. Prior to the verdict, the jurors had a note/question indicating that they were considering apportioning 0% fault to the defendant due to the fault of the decedent. Ultimately, the defendant was only found to be 15% liable. In addition, prior to trial, Kelly successfully obtained summary judgment on behalf of the general contractor on the project, and also obtained a voluntary dismissal of the owner of the subject premises.
- Kelly spearheaded the defense of a parachute Wisconsin case in which the minor plaintiff was a passenger in a car that was struck head-on by a drunk driver and subsequently clipped by a semi tractor-trailer unable to avoid the disabled vehicle in the middle of the highway. Kelly defended the tractor-trailer driver and company. The minor Plaintiff sustained extremely serious spinal cord and other injuries and was rendered paraplegic. Just one week prior to defense expert disclosures, Kelly’s firm was called in to take over the primary defense role on behalf of the semi tractor-trailer company and the driver. Kelly, a Wisconsin-licensed attorney, led the team and worked to ensure that only the best experts had been retained for the defense, ultimately letting go several experts retained by prior counsel whose opinions were unfavorable. The team then retained a new trucking expert, as well as a new physiatrist and life care planner. Kelly also obtained last-minute key deposition testimony from the Wisconsin Highway Patrol accident reconstructionists that was 100% supportive of the defense’s liability position. As a result of the extensive preparation of the defense experts, each expert testified virtually seamlessly at their deposition, effectively deteriorating the plaintiff’s case. Kelly also successfully overcame multiple Daubert challenges, and although the plaintiffs’ attorneys indicated that they would never consider settling, ultimately, the hard work Kelly and the team put in over just a few months led to a settlement of approximately 3% what the plaintiffs had planned on asking the jury, less than 7% of the plaintiff’s last demand, and for only 11% of the plaintiff’s claimed economic damages.

## **Admissions**

- Florida
- Illinois
- Michigan

- Wisconsin
- U.S. District Court for the Southern District of Florida

## **Education**

- University of Miami School of Law, J.D., *cum laude*
- University of Wisconsin-Madison, B.S.