

# Snell & Wilmer

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## Patrick W. Kelly

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### Main Bio

Patrick Kelly's practice is concentrated in business and commercial litigation, with an emphasis in contract disputes and claims relating to corporate, franchise, and partnership disputes, real estate disputes, and uniform commercial code issues. His experience also extends to disputes involving trademark infringement and counterfeiting, the Telephone Consumer Protection Act (TCPA), defamation claims, and other actions seeking damages, extraordinary relief, injunctive relief, declaratory relief, and other remedies in state and federal litigation, arbitration, and mediation. Patrick has represented a range of clients that includes franchisors, financial institutions, developers, insurance companies, clothing manufacturers, actors and athletes, general contractors, and suppliers and distributors. He is a member of Snell & Wilmer's Commercial Litigation Practice Group and TCPA Practice Group with first chair trial experience. Patrick is also a member of the firm's Ethics Committee.

### Representative Experience

- Represented a real estate developer in a commercial property dispute concerning forged lease agreements
- Defended individual investors in an action in which they were sued for breach of contract when a resort development their company was involved with failed to materialize
- Represented an international jewelry corporation in an action to recover millions of dollars' worth of jewelry that was misappropriated by a third party jewelry repair business
- Represented a real estate franchisor in an action to recover unpaid royalty fees and protect its trademarks
- Represented financial institution in defending putative class action alleging claims under the Telephone Consumer Protection Act
- Represented a waste disposal and treatment company in a breach of contract action in which the defendant failed to pay the waste disposal and treatment company for its services
- Negotiated a settlement for an actor that was sued for breach of an oral contract, breach of an implied-in-fact contract, and declaratory relief stemming from the alleged failure to pay a supposed advisor percentages of the actor's artist fees
- Represented shareholders and members of corporations and limited liability companies in an action in which they were being sued for various business torts, including fraud, breach of fiduciary duty, interference with prospective economic advantage, and violation of Business & Professions Code Section 17200, *et seq.*

## Education

- UCLA School of Law (J.D.)
- University of California at San Diego (B.A., Economics, Minor in European History, *magna cum laude*)
  - Provost Honors
  - Phi Beta Kappa
  - Men's Soccer, Captain

## Professional Memberships & Activities

- American Bar Association, Torts Trial and Insurance Practice Section
- California Bar Association
- ProVisors, Member (2019-Present)

## Representative Presentations & Publications

- "[TCPA and CAN-SPAM Compliance Considerations](#)," Co-Presenter, SBDC @ University of California, Irvine Beall Applied Innovation Incubator (October 25, 2022)
- "Understanding the Landscape of the Telephone Consumer Protection Act (TCPA) Litigation," Co-Presenter, Association of Corporate Counsel - Arizona Chapter, Phoenix, AZ (April 26, 2022)
- "TCPA and CAN-SPAM Compliance Considerations," Co-Presenter, Arizona Society of Healthcare Attorneys Webinar (September 20, 2022)
- "[Disgorgement of Profits as a California Breach of Contract Remedy: Intellectual Property and Other Guideposts](#)," Co-Author, 19 UC Davis Bus. L.J. 151 (2019)
- "[We Agreed to That? Terms and Conditions in Commercial Contracts](#)," Author, Manufacturing Today (May 2019)
- "[California vs. Federal Practice Document Requests and Depositions](#)," Co-Author (April 20, 2018)
- "[California Anti-SLAPP Motions: Potential Pitfalls for Plaintiffs](#)," Co-Author (June 28, 2017)
- "[Potential Ramifications of Already v. Nike](#)," Co-Author, Law360 (September 6, 2012)
- "[Prelitigation Dispute Resolution Clauses: Getting the Benefit of Your Bargain](#)," Co-Author, ABA Franchise Law Journal, Vol. 31, No. 1 (Summer 2011)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>, Commercial Litigation (2023-2024)

## Community Involvement

- First Tee of Greater Pasadena, Board Member (2019-Present)
- Amor Ministries, Volunteer (1999-2003, 2007, 2009)

## Previous Professional Experience

- U.S. District Court, Central District of California, Judicial Extern to Hon. Gary A. Feess
- Law Offices of Girardi & Keese, Law Clerk
- City of Compton District Attorney's Office, Law Clerk

## Bar Admissions

- California

## **Court Admissions**

- Supreme Court of California
- United States District Court, All Districts of California