



Kelly Martin Malone

Shareholder, Boston, MA

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PRACTICE AREAS

[Insurance Coverage & Defense](#)

[Litigation](#)

[Construction](#)

EDUCATION

Catholic University of America (J.D., *cum laude*, 1998)

American University (B.A., *cum laude*, 1995)

ADMISSIONS

Massachusetts

New Hampshire

Maine

Vermont

U.S. District Court,
District of Massachusetts

U.S. District Court,
Northern District of Illinois

U.S. District Court,
District of New Hampshire

U.S. District Court,

OVERVIEW

A tough litigator with over 20 years of experience who focuses on construction law/litigation and professional and general liability, Kelly Martin Malone earned her stripes as a Chicago and Boston prosecutor, convening numerous grand juries and conducting scores of bench and jury trials. That extensive trial experience has helped her successfully litigate complex matters in an array of practice areas in state and federal courts throughout New England. Kelly represents construction managers, general contractors, design professionals, subcontractors and consultants as both plaintiffs and defendants in complex construction disputes. She assists restaurant owners with licensing and alcohol-related issues and claims arising from the operation of their businesses. Kelly advises clients on risk management issues and construction contracts and project issues, as well as the drafting of employment, safety and policy and procedure manuals. She often represents insurance companies and their insureds accused of tort claims, as well as small businesses involved in commercial disputes. Kelly serves as Regional Counsel for a national home improvement retailer for all general liability litigation in New England. She also handles criminal and personal injury matters.

With 20 years of trial experience, Kelly provides her clients demonstrated tenacity and skill in evaluating cases for settlement and verdict value and in trying cases to both judges and juries.

REPRESENTATIVE MATTERS

- Won a jury verdict on behalf of construction management firm accused of negligence in the construction of a wastewater treatment facility, including winning counter-claim for breach of contract resulting in client's recovery of unpaid contract balance and litigation costs.
- Won a jury verdict on behalf of two well-known Massachusetts construction companies accused of negligence following a jobsite accident.

District of Maine

- Won a jury verdict on behalf of a restaurant accused of battery and negligence.
- Successfully obtained the dismissal of race track sued by jockey who sustained spinal cord injury resulting in paralysis after falling from horse during race.
- Won a judgment of dismissal on behalf of roofing contractor accused of negligence after arguing that the statute of repose barred the claim.
- Obtained dismissals of three separate actions filed against general contractor and related companies, where the claims included negligence, breach of contract, defamation, fraud and deceit, slander, c. 93A and c. 176D violations, and civil rights violations.
- Obtained a \$500,000 settlement for a client who was permanently injured in a motor vehicle accident, in a suit against the hosts of a party where the driver of the vehicle consumed alcohol and became intoxicated.
- Won summary judgment and recovered litigation costs for national retail store whose employee was accused of hitting customer with her vehicle while working.
- Won summary judgment and the recovery of litigation costs on behalf of residential construction and inspection company accused of failing to properly perform home inspection resulting in \$200,000 in damages.
- Won summary judgment on behalf of architectural firm in case alleging negligent design of college laboratory resulting in exposure to toxic fumes.
- Won summary judgment on behalf of space heater manufacturer in wrongful death case.
- Won summary judgment on behalf of homeowner accused of overserving guest involved in accident.
- Won summary judgment in dental malpractice case after arguing that statute of limitations barred claim.
- Won favorable ruling from medical malpractice tribunal resulting in plaintiff dismissing her client from case involving spinal injury and paralysis.
- Obtained voluntarily dismissal of suit filed by publisher against top Canadian book printer.
- Successfully defeated motion for summary judgment filed by employee against employer in suit to recover for injuries employee sustained when injured in motor vehicle accident after drinking alcohol at company holiday party.
- Represented attorney accused of legal malpractice.
- Represented commercial property owner before Massachusetts Commission Against Discrimination in sexual harassment and discrimination claim by former employee.
- Represented restaurant owner charged with violating Americans with

Disabilities Act.

- Represented three design professionals in claim for \$188M arising from services provided on NY railway system expansion project.
- Represented engineering firm that designed hospital expansion and renovation project in \$14M construction defect case.
- Represented architectural firm in claim by municipality seeking \$15M in cost overruns arising from design and construction of school.
- Represented financial services company in suit to recover \$5M in unpaid brokerage fees.
- Represented national restaurant chain in suit against insurance broker and agent to recover \$1M in fraudulent billing.
- Represented genetic testing facility in wrongful birth case.
- Represented out-patient mental health facility in wrongful death suit.

PROFESSIONAL AFFILIATIONS

- Massachusetts Bar Association Construction Law Practice Group
- Massachusetts Building Congress
- Boston Bar Association Litigation Section
- Professional Women in Construction
- American Bar Association Forum on Construction Law
- Associated General Contractors
- Associated Subcontractors of MA
- Professional Liability Underwriting Society
- Massachusetts Defense Lawyers Association
- Defense Research Institute
- Massachusetts Women's Bar Association
- Massachusetts Women's Bar Foundation

IN THE COMMUNITY

- Pro bono representation, Massachusetts Women's Bar Foundation Family Law Project for Battered Women
- Member, Middleboro Networking Association
- Volunteer and Fundraiser, Middleboro Little League
- Volunteer and Fundraiser, Middleboro Travel Basketball Association

- Volunteer and Fundraiser, Middleboro All Sports Boosters Association
- Volunteer and Fundraiser, Lakers Youth Lacrosse
- Board Member, Mitchell Memorial Club Youth Football
- Coach, Middleboro Youth Soccer Association
- Volunteer and Fundraiser, Mothers Against Drunk Driving.
- Board Member, William A. Martin Scholarship Fund
- Board Member, William B. Martin Memorial Fund