



## Kelly Fitzgerald Canby

### PARTNER

Carlsbad

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### RELATED SERVICES

- Insurance
- Commercial Litigation

### OFFICES

- Carlsbad
- San Diego

### OVERVIEW

Kelly Fitzgerald Canby is a Partner in the Carlsbad office of GRSM and a member of the Insurance and Commercial Litigation practice groups.

### REPRESENTATIVE EXPERIENCE

#### Representative Experience

- Extensive experience representing and advising institutions of higher education, including more than five years of service as a litigation manager for a premier private university with responsibility for oversight of cases involving breach of contract related to the development of technology and medicine, trademark, antitrust, medical and dental malpractice, hospital liability, NCAA proceedings, and employment matters.
- Successfully prosecuted a major bank's business interruption claim arising from the destruction of a luxury hotel in Saint Thomas by Hurricane Marilyn. *BA Properties, Inc. v. Aetna Cas. & Sur. Co.*, 273 F. Supp. 2d 673 (D. Virgin Islands 2003).

- Obtained dismissals in numerous product liability actions on behalf of manufacturer and supplier defendants. Drafted successful appeal and obtained reversals of judgments in Gauss v. GAF Corporation, 103 Cal. App. 4th 1110 (2002).
- Defended communication resellers against numerous contract and tort actions arising from the bulk resale of long distance telephone services. Drafted successful demurrers and opposition brief resulting in the dismissal of sales agents' negligence and accounting claims. Duggal v. G.E. Capital Communication Services, Inc., 81 Cal. App. 4th 81 (2000).

## **CREDENTIALS**

### **Admissions**

- California
- U.S. District Court, Northern, Eastern, Central and Southern Districts of California
- U.S. Court of Appeals, Ninth Circuit
- United States Bankruptcy Court for the Central District of California

### **Community Involvement**

- USA Bodysurfing Tour, Current Participant
- World Bodysurfing Championships, Current Participant and Former Champion, 1988
- Chubascos Bodysurfing Association, Board of Directors

### **Education**

- J.D., University of Southern California, 1996
- B.S., University of Southern California, 1993