masudafunai

Patrick Kelly

Associate, Chicago



pkelly@masudafunai.com
312.245.7500

Chicago
203 N. LaSalle Street
Suite 1700
Chicago, IL 60601

Patrick Kelly is a commercial litigator who represents domestic and international businesses in state and federal court in connection with a variety of litigation matters, including breach of contract, fraud, trade secret, trademark, restrictive covenant, fiduciary duty, product liability, warranty, real estate, post-closing M&A, securities, and other complex commercial matters. Patrick's strengths include practical problem solving, clear written advocacy, and the ability to manage complex disputes involving multiple parties, jurisdictions, and business issues.

In his commercial litigation practice, Patrick represents both plaintiffs and defendants in federal and state courts, arbitration, and pre-litigation disputes. He has obtained dismissals with prejudice on behalf of clients in matters involving RICO, intellectual property, tortious interference, fraud, contract, promissory estoppel, unjust enrichment, and employment related claims. He also has extensive trial and hearing experience, including bench trials, direct and cross examinations, opening and closing statements, motion practice and contested injunction proceedings.

Prior to joining Masuda Funai, Patrick was an associate at a Chicago litigation firm, where he managed a docket of more than 40 cases in state and federal court. Outside his practice, Patrick coaches trial advocacy at the University of Illinois Chicago School of Law.

Experience

- Obtained complete defense verdict at a bench trial in Ohio state court on behalf of an international manufacturing company. Delivered opening statement, argued motion for directed verdict, conducted direct and cross examinations, and defeated all counts, including fraud, unjust enrichment,

Education

Duquesne University, School of Law, J.D., cum laude, 2020; CALI "Best in Class" Awards: Contract Law and UCC Sales; Trial Advocacy Award for Best Advocate

The Pennsylvania State University, Smeal College of Business, B.S. Finance, cum laude, 2016

Admissions

Illinois

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of California

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Western District of Michigan

U.S. District Court, Northern District of Ohio

Practice Areas

Litigation

Commercial, Competition & Trade

Languages

English

promissory estoppel, and breach of contract.

- Secured highly favorable resolution for an auto-parts manufacturer in contested utility routing proceeding before the Illinois Commerce Commission involving a proposed power line through our client's 5,000 sq. ft. industrial campus. First chaired evidentiary hearing, handled the matter from intervention through settlement, and obtained a settlement requiring the utility to abandon the proposed route through the client's property and instead replace an existing power line along Illinois Route 251.
- Represented a Luxembourg-based defendant in a civil RICO lawsuit involving multiple defendants located in France, Russia, Luxembourg, London, Monaco, and other countries, with the Plaintiff seeking over $170 million in damages. Obtained an initial dismissal on behalf of its client in the U.S. District Court for the Central District of California, which was then appealed to the Ninth Circuit Court of Appeals and, ultimately, to the United States Supreme Court. After the case was eventually remanded to the district court, swiftly obtained the dismissal of several of Plaintiff's claims against its client, and thereafter, an amicable resolution with all parties and a dismissal with prejudice of the client in the case.
- Achieved a substantial monetary recovery and full enforcement of non-competition and non-solicitation provisions for an Austrian/German-based global manufacturer, protecting proprietary trade secrets and customer projects through expedited discovery and a strategic settlement during preliminary junction proceedings.
- Secured a seven-figure settlement for a Europe-based client's North American subsidiary in an arbitration against an OEM, overcoming the OEM's full denial of liability and nominal settlement offer and leveraging targeted discovery and depositions to strengthen breach-of-contract and Michigan silent fraud claims.
- Achieved dismissal of all claims on a motion for judgment on the pleadings in a Northern District of Illinois action involving mass-defendant intellectual property litigation and tortious-interference claims against Japan-based online merchants.
- Obtained a favorable resolution for a leading facility maintenance and material-handling company in an Ohio breach-of-contract dispute; after the court adopted our contract interpretation on a dispositive motion, the matter settled on terms including a substantial monetary recovery for our client and full resolution of all claims.
- Recovered an aircraft and more than six figures in repair funds for a charter airline after a sham aviation-repair company involved in an international fraud scheme took

possession of the plane and accepted payment for work never performed; filed suit, traced the individual through subpoenaed financial records, and obtained return of both the aircraft and the misappropriated funds.

- Successfully investigated a nearly $700,000 embezzlement scheme for a global beauty and cosmetics company, tracing fictitious vendor invoices to an internal culprit; coordinated with the District Attorney's Office on an investigation that culminated in a grand jury indictment, arrest, and arraignment, with the matter proceeding toward trial.
- Secured favorable resolution for Tier 1 automotive supplier in parts supply dispute involving alleged U.S. steel import restrictions on Mexico, delayed and insufficient part deliveries, and substantial expedite costs. Through discovery, summary judgment briefing, and trial preparation, positioned the client to preserve the vast majority of its contractual offset in a favorable settlement.
- Secured pleading stage dismissal of all state and federal failure to accommodate claims in the Middle District of Pennsylvania in an employment discrimination lawsuit involving religious accommodation allegations, eliminating half of plaintiff's claims at the outset of the case.
- Secured major litigation victories for biotechnology company in multimillion dollar warranty, contract, and fraud litigation involving defective commercial equipment and non-delivery. Briefed the successful dismissal of bad faith Chapter 11 petition in a related bankruptcy case and subsequently obtained leave on a contested motion to add an alter ego defendant in the underlying litigation.

Distinctions

- CALI Excellence Award Contracts
- CALI Excellence Award - UCC Sales
- South Texas Trial Team
- AAJ National Trial Team