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Kelly Floyd is an aggressive business advocate, negotiator, and litigator who works with business owners, officers, and management. His broad practice involves expertise in construction litigation, general business and commercial litigation, trademark registration and litigation, contractor's licensing issues, and small business certifications. Kelly's clients include general contractors, subcontractors, construction managers, owner-developers, established businesses, and start-ups.

BREACH-OF-CONTRACT DISPUTES

Kelly regularly represents construction industry clients in a variety of disputes. Payment disputes between general contractors and project owners, general contractors and subcontractors, or subcontractors and suppliers are common — as are unreasonable payment demands by subcontractors or suppliers. Kelly also handles wrongful or premature termination matters, including termination without cause and wrongful termination resulting from owner-caused issues. Clients rely on Kelly's years of construction claims experience and good judgment for prompt, cost-effective resolutions of their disputes.

DELAY AND EXTRA WORK CLAIMS

For general contractors and subcontractors, payment disputes, delay, and extra-work claims are common. Typical causes include defective plans, design, specifications, or calculations, as well as mismanagement by construction managers and project owners. Kelly's knowledge of the many construction issues that cause delays and his command of the documentation needed to prove responsibility is invaluable. Using his experience and good judgment, Kelly provides strategic recommendations on how best to protect the client's rights and moves methodically toward settlement and getting our client paid.

PRACTICES

- Construction Law
 - Claims & Disputes
 - Local Agency, Municipal & State Contracts
 - Federal Procurement & Claims
 - Prime Contracts & Subcontracts
 - Real Estate
 - Corporate
 - Collections
 - Insurance Defense
- Business & Commercial Litigation
- Intellectual Property

ADMISSIONS

- California: State Courts
- U.S. District Courts of California: Central, Southern
- U.S. District Courts of Mississippi: Southern

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Kelly A. Floyd

PARTNER

BUSINESS DISPUTES AND GENERAL CIVIL LITIGATION

In addition to his construction law clientele, Kelly represents business owners and shareholders in general litigation matters. He is well-versed in handling shareholder disputes relating to distributions or the sale of a business and has been successful in the prosecution and defense of claims relating to real estate, life insurance proceeds, and other business issues. Guided by a clear understanding of his client's goals, Kelly's litigation experience, sound judgment, and persuasive oral skills consistently lead to prudent decision-making and optimal results.

TRADEMARK REGISTRATION AND LITIGATION

Kelly routinely handles trademark registration matters with the U.S. Patent and Trademark Office and State of California for the firm's clients. He is experienced in defending trademark infringement allegations and stopping third parties from infringing our clients' trademark rights. Our firm has the tools necessary to vet potential trademark conflicts, obtain registration, and make the process simple.

EXPERIENCE

- Construction litigation
- Mechanic's liens, stop payment notices, and payment bond claims
- General business litigation
- Transactional matters, including drafting, reviewing, and negotiating business contracts and, in particular, construction agreements
- Federal claims and procurement disputes including Miller Act claims, Contract Disputes Act claims, and GAO protests
- Trademark registration and litigation

EDUCATION

- University of San Diego School of Law, J.D., *cum laude*
 - *Law Review*
 - *Order of the Coif*
- University of California, San Diego, B.S., International Studies and Political Science

MEMBERSHIPS

- State Bar of California

RECOGNITION

- San Diego Rising Star by *Super Lawyers Magazine* in 2018-2022

LEADERSHIP

Mr. Floyd is an accomplished public speaker and regularly addresses the construction community on a range of legal, training, and educational topics:

Get Paid! Collection Remedies For Public And Private Works Projects

Federal And State Small Business Programs and Teaming To Win Projects

Performance & Closeout: Project Management Mistakes and How To Avoid Them