

# Elizabeth K. Key

Associate | Sacramento

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Elizabeth Key is a litigator who represents clients in an array of commercial disputes across the public and private sectors. Liz has construction claims experience before dispute review panels and boards in the context of public infrastructure projects, including utility adjustments and relocations, environmental permitting, environmental re-evaluation, and delay and disruption claims. Liz litigates disputes over commercial leases and mechanics liens issues. Liz also advocates for policyholder clients to maximize their insurance recoveries. Liz's practice encompasses federal and state courts, appeals before the California Courts of Appeal and the U.S. Court of Appeals, and binding arbitrations.

Liz is experienced in eDiscovery, including developing ESI protocols and privilege screens, negotiating and developing search term queries, as well as managing and conducting complex document review.

## EXPERIENCE

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### INFRASTRUCTURE ARBITRATION

- Member of litigation team that obtained a complete defense victory for the Texas Department of Transportation in Force Majeure action relating to the SH 99 / Grand Parkway Project in binding arbitration.
- Member of litigation team representing the Texas Department of Transportation against a variety of delay and contract claims relating to the US 181 Harbor Bridge Project.

**High-Profile Water Rights Litigation.** Member of litigation team in high-profile water rights dispute on behalf of public water district.

**COVID-19 Lease Termination Litigation.** Represented San Francisco commercial landlord against defaulting tenant claiming frustration of purpose and impossibility arising out of the impacts of the COVID-19 pandemic.

**Rails-to-Trails Class Action.** Represents special public district against class action alleging illegal taking based on construction of multi-use pathway.

**Owner Construction Defect Litigation.** Represents Sacramento building owner in construction defect action.

**Construction Lien Litigation.** Represented lender against multitude of mechanics lien claims arising out of construction of upscale hotel in San Juan Capistrano.

**Breach of Contract Litigation.** Represents joint powers authority in breach of contract action based on school district's failure to pay incurred but not yet reported claims liability.

**Managed Care Arbitration.** Member of litigation team that represented hospital in a high stakes arbitration with a health plan over the reasonable value of emergency services provided by the hospital to the health plan's members.

## PRO BONO EFFORTS

- Obtained release on bail for two foreign nationals facing significant risks due to COVID-19 pandemic.
- Represented advocacy groups in their challenge to the approval of Conditional Use Permits converting a local prison into an immigrant detention center and assisted to secure a temporary restraining order.
- Drafted and argued Federal Circuit appeal against federal government for failure to pay incentive payments under the Affordable Care Act.
- Drafted Ninth Circuit amicus curiae brief on behalf of California Association of Lawyers for Education on issue of whether school district denied student a free appropriate public education when it failed to file for due process to defend its IEP.

## HONORS & RECOGNITIONS

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Witkin Award for top grade in Negotiations

Women Lawyers of Sacramento Scholarship, Recipient, 2016

## COMMUNITY & PROFESSIONAL

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American Bar Association Forum on Construction Law, Member

Urban Land Institute, Member

SacLegal, Member

## PRACTICES

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Litigation

Construction Law, Claims & Litigation

Real Estate Litigation

Insurance Recovery & Counseling

Real Estate

## EDUCATION

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University of California, Davis School of Law, J.D., 2018; Senior Notes and Comments Editor, *UC Davis Law Review*

University of Oregon, B.A., Philosophy, minor in Writing, Public Speaking, & Critical Reasoning, 2014

## ADMISSIONS

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California

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Federal Circuit

U.S. District Court, Eastern District of California

U.S. District Court, Northern District of California

U.S. District Court, Central District of California