

**M. Kay Martin**

Partner
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San Francisco

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Practice Areas

- Environment & Natural Resources
- Environmental & Toxic Tort Litigation
- Litigation
- Retail Law
- University Practice

Kay Martin is a partner in Crowell & Moring's San Francisco office and a member of the firm's Litigation and Torts Groups. Her practice focuses on complex litigation, including environmental and consumer class litigation.

Kay is the co-chair of the Crowell & Moring Diversity Council and serves on the Women Attorneys' Network Steering Committee. Prior to joining Crowell & Moring, she was a partner at the San Francisco firm of Folger Levin & Kahn LLP. During law school, Kay served as an extern for Justice Joyce L. Kennard of the California Supreme Court.

Representative Matters

- Represented the City of Lodi, California in multiple related actions involving extensive PCE groundwater contamination including a CERCLA cost recovery suit against 100+ PRPs, a legal malpractice action against Lodi's former outside counsel and a federal court action against a Wall Street investment bank arising from the investment bank's financing of the former outside counsel's failed litigation strategy; obtained over \$35 million in settlements.
- Represented owner of former pesticide formulation plant in seven-week bench trial of CERCLA contribution claims of over \$30 million against other former owners, resulting in favorable judgment including award of prejudgment interest.
- Represented current and former property owners throughout California in responding to government agencies and obtaining contribution from other responsible parties for environmental cleanup efforts related to soil and groundwater contamination.
- Advised retailers regarding potential liability under and compliance with California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65").

- Defended Enterprise Rent-A-Car Company in consolidated consumer class action suits in Massachusetts state court; obtained reversal of plaintiffs' summary judgment from the Supreme Judicial Court in a unanimous decision; on remand, won motions for summary judgment and defeated plaintiffs' appeal to the Supreme Judicial Court.
- Defended Enterprise Rent-A-Car Company in a consumer class action in New York state court; won summary judgment and denial of class certification and defeated plaintiffs' appeal.
- Represented owner of 400+ unit apartment complex in construction litigation; obtained favorable settlements from subcontractors.
- Represented Kaufman & Broad (now KB Home) in a \$50 million lawsuit brought by a regional subcontractor and supplier of lumber; obtained judgment on all claims and recovered over \$1 million against the subcontractor's surety.

Education

- University of California, Davis, B.S. (1984)
- University of San Francisco School of Law, J.D. (1991) *magna cum laude*; member, University of San Francisco Law Review and McAuliffe Law Honor Society

Affiliations

Admitted to practice: California

Memberships

Member, American Bar Association, Section of Environment, Energy and Resources

Member, State Bar of California, Environmental Law Section

Member, National Asian Pacific American Bar Association

Member, Asian American Bar Association of the Greater Bay Area

Member, University of San Francisco Women Lawyers Committee

Speaking Engagements

- "Location, Location, Location: Strategic Considerations for Selection of Forum," panel presentation at ABA Insurance Coverage Litigation Committee CLE Seminar, Tucson, AZ (March 2009). Presenter: M. Kay Martin.
- "Private Firm Representation of City Plaintiffs - Contingency Fees and Other Issues," Bay Area City Attorneys, San Mateo, CA (July 2008). Presenter: M. Kay Martin.