



Kelley E. Harman

Of Counsel

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Kelley Harman has experience in all phases of litigation, from inception to resolution, representing multinational corporations, local established businesses and individuals. Her practice focuses on general liability and casualty law, principally defending automobile/trucking cases, premises liability matters, and catastrophic personal injury and wrongful death claims.

Kelley has tried several cases to verdict. While she enjoys preparing for and being in trial, her strength lies in identifying matters primed for early settlement and successfully negotiating those cases to resolution. Kelley understands that our clients prefer early and cost-effective solutions to resolve their claims. For those matters that do not resolve early, Kelley effectively manages the entire litigation process.

Prior to joining Wilson Elser, Kelley was a partner at a national law firm and was responsible for managing a large team of general litigation attorneys in the Los Angeles office. She enjoys mentoring and working with new attorneys, offering them support and guidance as they navigate the practice of law and their personal lives.

During law school, Kelley was on Law Review, earned five CALI Awards for Academic Excellence, clerked for the Whittier Child Advocacy Center, clerked for Los Angeles Dependency Lawyers, and served as a full-time Judicial Law Extern in her third year to the Honorable Terry J. Hatter Jr., U.S. District Court, Central District of California.

Education

- Whittier Law School (J.D., *summa cum laude*, 2009)
 - Law Review
 - Five CALI Awards for Academic Excellence

Services

- Complex Tort & General Casualty
- Commercial Litigation

- University of Arizona (B.A. Communications, 2006)
 - Honors with Distinction

Bar Admissions

- California

Court Admissions

- Superior Court of California
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Central District of California

Professional Affiliations

- Los Angeles County Bar Association
- Santa Monica Bar Association
- Women Lawyers of Los Angeles

Representative Matters

Numerous successful Motions for Summary Judgment in Los Angeles Superior Court.

Obtained significant win in the California Court of Appeals (Second District) for manufacturer client in the alleged wrongful death of two minor boys; summary judgment in the trial court was reaffirmed unanimously on appeal.

Client Wins

Defense Verdict Secured for The Peninsula Beverly Hills After Month-Long Jury Trial

Gary Pancer (Partner-Los Angeles, CA), Kelley Harman (Of Counsel-Los Angeles, CA), and Aria Aghalarpour (Associate-Los Angeles, CA) of Wilson Elser secured a complete defense verdict in Los Angeles County Superior Court, Santa Monica, on behalf of their client, The Peninsula Beverly Hills (the "Hotel"). The verdict followed a three-week-long jury trial, preceded by two weeks of extensive pre-trial motion practice and jury selection. General Counsel for the Hotel's owner, Michael Tenner, was present throughout the entirety of the proceedings.

Plaintiff, a 68-year-old woman, claimed that she ordered a decaffeinated iced tea at the Hotel's Roof Garden restaurant at lunch on January 30, 2021, but was allegedly served caffeinated tea. At trial, the plaintiff attempted to establish liability through testimony from family members who were present at the lunch, as well as a friend who had worked at the Hotel for 17 years. Wilson Elser presented testimony from Hotel leadership, including the

former Assistant Director of Food and Beverage, the Hotel Manager, and the Managing Director, establishing clear, reliable beverage service protocols that were followed, including the use of separate containers and visual markers to distinguish decaffeinated beverages.

Plaintiff relied on expert testimony from a physician who opined that caffeine consumption caused plaintiff's cardiac symptoms. We countered with expert analysis by a research cardiologist and electrophysiology expert, who explained that it is medically implausible for a single instance of alleged caffeine consumption to reverse an ablation or cause long-term arrhythmias, and that no physiological basis supports the plaintiff's theory.

After approximately two hours of deliberation, the jury returned a defense verdict, finding The Peninsula Beverly Hills was not negligent. Notably, the jury resolved the case at the first question on the verdict form and never reached the issue of causation. Post-verdict discussions confirmed the jury would have unanimously found for the defense on causation as well. The hotel is pursuing recovery of substantial expert fees and litigation costs in excess of \$200,000.