



## TOYJA E. KELLEY

### PARTNER

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#### SERVICES

Litigation  
Commercial Litigation  
White Collar and Government  
Enforcement  
Real Estate Litigation  
Class Actions  
Congressional Investigations

#### INDUSTRIES

Construction  
Real Estate Services for  
Retail and Hospitality  
Industries  
Insurance  
Technology and  
Manufacturing

Toyja Kelley represents large public and medium-sized businesses in complex commercial disputes. His successful track record is grounded in the belief that every case must be litigated with an eye toward the client's overall business situation. His representation is thus informed by deep familiarity with the companies he represents.

Toyja concentrates his practice in general commercial litigation, construction litigation, professional and product liability, business torts, and insurance coverage. He has achieved positive results for businesses in the construction, real estate, manufacturing, retail and automotive industries, among others. He has extensive trial experience in the state and federal courts in Maryland and the District of Columbia.

Toyja is an adjunct professor of law at Washington and Lee University. He also has been an active member of the DRI-The Voice of the Defense Bar for several years, and Toyja currently serves as the immediate past president of the nearly 22,000-member international organization. In October 2020, he will become the first ever president of DRI's National Center for Law and Public Policy. His leadership began as chair of DRI's Diversity Committee. He is also a past president of the board of directors of the Maryland Defense Counsel, Inc.

In 2008, Toyja played a lead role in organizing the JTBF Conference for the Just The Beginning Foundation (JTBF), a national non-profit foundation dedicated to promoting greater diversity in the field of law. He was a member of the Executive Planning Committee on behalf of the State of Maryland, and in this capacity helped organize its eighth biennial conference, which took place in Baltimore/Washington.

## EXPERIENCE

- Defending a Baltimore area private high school in litigation over claims stemming from the construction of its artificial turf football stadium.
- Successfully defended a building owner in a \$12.7 million construction dispute with its former general contractor and a bonding company. Toyja secured summary judgment in the client's favor on the claims made by the contractor and bonding company and a jury returned a \$1.6 million verdict in the client's favor on its counterclaims.

- Represented a contractor in litigating various claims and disputes arising out of the construction of the Gaylord National Harbor, the largest hotel and convention center complex on the Eastern seaboard with a total project cost in excess of \$800 million.
- Defended a publicly traded real estate investment trust from a series of construction-related lawsuits brought by contractors and subcontractors in Maryland. Toyja's representation led to the dismissal of most cases; others have been favorably resolved.
- Defended a Baltimore, Maryland-based sports clothing and accessories manufacturer in a two-week jury trial involving the construction of its \$4.1 million Station House Visitor Center.
- Represented an EB5 foreign investment regional center in connection with a \$9.5 million arbitration involving a failed real estate investment and construction partnership deal.
- Defended a sports equipment company in a personal injury case involving several athletes at a football camp in Maryland.
- Defended a national office products manufacturer in breach-of-contract cases brought by a multinational customer and a material supplier; the claims were resolved favorably.
- Defended a commercial food service manufacturer against allegations that a product defect caused a fire that destroyed a national fast food chain's restaurant. The case was favorably resolved.
- Defended a manufacturer of custom-built industrial generator systems from allegations that it violated the Maryland Equipment Dealer Contract when it terminated a local sales representative; the case was favorably resolved.
- Defended a publicly traded broadcasting company in commercial litigation and business tort-related cases.
- Represented a national home improvement franchising company in a breach-of-contract dispute brought by customers of a local franchise that had gone out of business.
- Represented a petroleum manufacturer in a product liability case alleging injuries from lead pigment.
- Represented a large financial services company in numerous cases involving its Maryland real estate portfolio.

In addition to his trial experience, Toyja has long served as outside general counsel to a Maryland-based construction company and outside general litigation counsel to a special event photo booth manufacturer.

Among the reported cases in which Toyja has represented clients are:

- *Smith v. Lead Industries Ass'n*, 386 Md. 12 (2005)
- *Chang v. Brethren Mutual Ins. Co.*, 168 Md. App 534 (2006)
- *AT&T Communications of Md., Inc. v. Comptroller of Md.*, 176 Md. App. 22 (2007)
- *Schuele v. Case Handyman and Remodeling Servs., LLC*, 412 Md. 555 (2010)

## HONORS

Sheryl J. Willert Pioneer Diversity Award, DRI, 2021

Leadership in Law Award, The Daily Record, 2021

Influential Marylanders Award, The Daily Record, 2015

VIP-Professionals Under 40, The Daily Record , 2010

Maryland Super Lawyers, Super Lawyers Magazine, 2009-present

## MEMBERSHIPS AND AFFILIATIONS

DRI-The Voice of the Defense Bar, President-Elect, 2017; 1st vice president, 2016-2017; Secretary-Treasurer, 2014-2015; Executive Committee, 2014; National Board of Directors, 2011-2014; Diversity Committee Chair, 2009-2011

Maryland Defense Counsel, President, 2013-2014; Board of Directors, 2005-2014

Adjunct Professor of Law, Washington and Lee University, 2013-present

## EDUCATION

J.D., William & Mary Law School, 2001

B.A., Franklin & Marshall, 1998

## BAR ADMISSION

District of Columbia

Maryland

## FIRM MANAGEMENT POSITIONS

Diversity, Equity & Inclusion Committee

## CLERKSHIPS

Judicial Law Clerk to The Honorable Andrew Sonner of the Maryland Court of Special Appeals