



## Gail E. Kavanagh

Of Counsel

San Francisco

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*Pronouns: she, her, hers*

Gail Kavanagh's commercial litigation practice includes [real estate](#) title and contract disputes; [eminent domain](#); commercial landlord-tenant matters; commercial tort actions; employment contract, discrimination and harassment actions; and trademark, copyright and trade secrets protection.

### RESULTS

Burke Attorneys Prevail on Cutting-Edge CEQA Challenge

### REPRESENTATIVE MATTERS

#### Real Estate

- Successfully defended against multiple claims of nuisance, trespass, fraud and breach of contract against an international commercial property developer and owner of a Class-A San Francisco office building against in the trial court and on appeal.
- Defended a local arts school in a multi-million-dollar lease dispute.
- Has represented a public utility in several eminent domain actions to acquire real property for the construction and operation of electrical and gas transmission lines in Northern California.
- Successfully defended a major retailer in against fraud and breach of contract claims arising from ground leases for properties on which the client had intended to build stores, but was prevented by political or market forces from doing so.
- As part of Burke's Land Use Practice team, represents public agencies and developers in CEQA litigation in trial and appellate courts.
- Defended a city against claims by homeowners regarding the terms of a city affordable housing program.
- Obtained favorable settlements for a landowner in eminent domain actions brought in Los Angeles.

### PRACTICES

Eminent Domain

Employment Law and Litigation

Environmental Land Use and  
Natural Resources

Litigation

Real Estate and Business Law

Tort Claims and Products  
Liability

### EDUCATION

J.D., University of California,  
Hastings College of the Law,  
1991

B.A., cum laude, University of  
California, Los Angeles, 1988

### ADMISSION

State Bar of California

United States District Court for  
the Central District of California

United States District Court for  
the Eastern District of California

United States District Court for  
the Northern District of  
California

United States District Court for  
the Southern District of  
California

## AFFILIATIONS

SF CASA, Court Appointed  
Special Advocate

- Successfully defended the developer of a Sonoma County condominium complex and two of its officers against fraud, construction defect, breach of contract and breach of fiduciary duty claims.
- Successfully appealed a trial court's dismissal of a commercial landlord's breach of contract action under California's anti-SLAPP statute, reinstating the landlord's action and winning recovery of the client's attorneys' fees.

## Labor & Employment

- Won judgment for county Sheriff's Office against discrimination and retaliation claims in connection with promotional testing.
- Defended a sexual harassment claim against a city brought by its City Clerk.
- Successfully defended a county and its Sheriff's Office in a wrongful termination case before the Civil Service Commission.
- Defended a gender discrimination case against a city and its fire department.
- Successfully defended a foreclosure trustee in federal actions alleging violations of debt collection statutes.

## Other Litigation

- Represents various public and private property owners and users in civil actions brought under the Americans With Disabilities Act and California's Unruh Act.
- Defended a major retailer against claims of consumer fraud, breach of contract and unfair business practices, obtaining dismissal and nonsuit of dozens of claims.
- Won judgment for California Special Services District against claims that the District has a duty to exclude users of district roadways.
- Successfully defended an Academy-Award-winning director, the producers and distributors of the documentary film "Tabloid" in the trial court and on appeal against numerous claims of defamation, violation of privacy, misappropriation of likeness and infliction of emotional distress.