

# Douglas R. Kelly

## Member

**Douglas R. Kelly** is a member in Clark Hill's Real Estate, Municipal and Litigation Practice Groups in the firm's Birmingham and Lansing offices. Douglas has substantial experience representing public sector clients with real estate matters including drain, water resources, environmental, easements, eminent domain and zoning and land use. Douglas also represents businesses in real estate, business, franchise, breach of contract, trademark infringement and claims arising under the Uniform Commercial Code (UCC).

While attending law school, Douglas was Executive Editor of the Law Review. He also interned under the Honorable George E. Woods in the United States District Court for the Eastern District of Michigan. After law school, Douglas clerked for the Honorable Conrad L. Mallett, Jr. of the Michigan Supreme Court and was an Adjunct Professor at the University of Detroit Mercy School of Law. Douglas serves as the Vice Chair of the Novi Chamber of Commerce and is a member of the Michigan Association of County Drain Commissioners and the International Right of Way Association.

### Significant Decisions:

- Elba Township v. Gratiot County Drain Commissioner, 493 Mich. 265 (2013)
- Auctioneer Drain Drainage District v. Consumers Energy Company, 2005 Mich. App. LEXIS 2862 (2005)
- Baskin-Robbins Franchised Shops LLC v. Livonia Ice Cream, Inc., 2007 U.S. Dist. LEXIS 86938 (E.D. Mich. 2007)
- Bermuda Container Line, Ltd. v. FX Coughlin Co., FMC Docket No. 97-22, Federal Maritime Commission, July 27, 1999
- Dunkin' Donuts Franchised Restaurants v. Mr. Omar, Inc., 2008 U.S. Dist. LEXIS 18001 (E.D. Mich. 2008)
- Dunkin' Donuts Franchised Restaurants v. Shrijee Investment, Inc., 2008 U.S. Dist. LEXIS 107353 (E.D. Mich. 2008)
- Fitzgibbons v. Cook and Thorburn Drain Drainage District, 2008 U.S. Dist. LEXIS 99005 (W.D. Mich. 2008)
- Franklin Bank, N.A. v. Zero Plus Advantage, Inc., 2001 Mich. App. LEXIS 872 (2001)
- Jerome-Duncan, Inc. v. Auto-By-Tel, LLC, 989 F.Supp. 838 (E.D. Mich. 1997)
- Johnson Controls, Inc. v. Hunt Construction Group, Inc., 2003 U.S. Dist. LEXIS 27358 (E.D. Mich. 2003)
- Lafarge Corporation v. Altech Environmental USA, 220 F.Supp.2d 823 (E.D. Mich. 2002)
- Oakland County Board of County Road Commissioners v. JBD Rochester, LLC, 271 Mich. App. 113 (2006)
- Southern Michigan Beef Company v. Dean Foods Vegetable Co., 2000 Mich. App. LEXIS 503 (2000)

### Lectures/Seminars:

- Condemnation, Michigan Association of County Drain Commissioners, Water Conference 2010
- "Eminent Domain Update," International Right of Way Association, 2009
- "Resolving Problems and Disputes on Construction Projects," Michigan Association of County Drain Commissioners, Winter Conference, 2009
- "Enforcement of Easements," National Business Institute, 2008
- "Preparing the Road and Access Case for Litigation," National Business Institute, 2007.
- "Utility Conflicts Within Drain Easements," Michigan Association of County Drain Commissioners, Summer Conference, 2006
- "Conflicting Property Interests," International Right of Way Association, 2006
- "Alternative Easement Acquisition Methods," Michigan Association of County Drain Commissioners, Summer Conference, 2005
- "Public Use Issues in Condemnation," CLE International, 2004
- "Michigan's New Blighting Property Statute," International Right of Way Association, 2003
- "Construction Liens in Michigan," 2002
- "Inverse Condemnation," International Right of Way Association, 1999

### Publications:

- Casenote Constitutional Law - First Amendment - Masson v. New Yorker Magazine, Inc., 111 S.Ct. 2419 (1991), 69 U. DET. MERCY L. REV. 649 (1992).
- Comment, The Jurisprudence of Government Regulation: Aiming at the Common Good, 71 U. DET. MERCY



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### Education

J.D., University of Detroit Mercy  
School of Law, Detroit, Michigan,  
1993

B.B.A., Eastern Michigan University,  
Ypsilanti, Michigan, 1987

### State Bar Licenses

Michigan

### Court Admissions

U.S. District Ct., E.D. of Michigan

U.S. District Ct., W.D. of Michigan

U.S. District Ct., S.D. of Indiana

U.S. Court of Appeals, 6th Circuit

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- L. REV. 87 (1993).
  - Article, Annual Survey of Michigan Law: Evidence, 42 WAYNE. L. REV. 849 (1996).
  - Article, Annual Survey of Michigan Law: Evidence, 46 WAYNE. L. REV. 831 (2000).
  - “Eminent Domain – Environmental Contamination and Just Compensation,” Pipeline Magazine, Vol. 12, No. 3, p. 36, Third Quarter, 2003
  - “Clarification of Easement Rights for Drain Commissioners,” Pipeline Magazine, Vol. 15, No. 1, p. 18-19, First Quarter, 2006

## **Practices, Industries & Services**

Environment, Energy & Natural Resources  
Franchise & Licensing  
Litigation  
Municipal Law  
Real Estate  
Tax & Estate Planning

## **Areas of Emphasis**

Commercial Litigation  
Eminent Domain

## **Memberships**

- State Bar of Michigan
- Oakland County Bar Association
- Vice Chair, Novi Chamber of Commerce
- International Right of Way Association
- Michigan Association of County Drain Commissioners