

**Warren E. Babb, Jr.**

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**Areas of Practice**

Warren Babb represents skilled nursing and assisted living providers as well as other healthcare professionals in litigation involving various types of claims, including negligent hiring/supervision and medical/professional negligence. His practice also includes product liability, consumer product safety issues and complex/multi-party litigation. Warren has litigated cases in Washington, Oregon, Alaska and California, and has tried cases in several different venues. Warren has a Martindale-Hubbell "AV" rating and has been an Arbitrator for the King County Mandatory Arbitration Program for over 15 years.

**Professional Experience**

Arbitrator, King County Mandatory Arbitration Program

**Admitted to Practice**

Washington  
U.S. District Court, Western District of Washington  
U.S. District Court, Eastern District of Washington  
Colville Tribal Bar

**Academics**

Rutgers University Law School at Camden (J.D., 1983)  
University of Vermont (B.A., *summa cum laude*, 1980)  
Phi Beta Kappa

**Practice Group and Specialty Team Memberships**

Insurance  
Long Term Care and Seniors Housing Industry Team  
Products Liability  
Member, Defense Research Institute (DRI) Nursing Home/ALF Litigation Seminar Planning Committee (2004 - present)

**Publications**

"Caveat Vendor: Avoiding Marketing Pitfalls," Defense Research Institute NH/ALF Seminar, September 2009  
"Risk Management Issues in Marketing," NCAL, November 2008  
"Risk Management: Potential Claims of Residents and Their Families," Washington Healthcare Association, August 2007  
"Long Term Care and Senior Housing Industry is on Plaintiff Attorney's Radar Screen," Lane Powell Hotsheet, 2004

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## Speaking Engagements

“Caveat Vendor: Avoiding Marketing Pitfalls,” Defense Research Institute NH/ALF Seminar, September 2009

“Marketing Pitfalls,” NCAL Webinar, November 2008

Mock arbitration presented during Defense Research Institute NH/ALF Litigation Seminar, September 2008 (Arbitrator)

Washington Healthcare Association Risk Management Seminar, August 2007 (Chair)

“Risk Management 101/Effective Quality Assurance Committees in Long Term Care,” September 8-9, 2005

## Representative Matters and Clients

### Skilled Nursing Facilities and Other Healthcare Providers

- i) Summary Judgment in Negligent Hiring/Negligent Retention Case – Successfully obtained summary judgment in claim against medical clinic that one of its male physicians had inappropriate sexual relations with numerous male patients. Summary judgment upheld on appeal. *Thompson v. Everett Clinic*, 71 Wn.App. 548 (1993).
- ii) Dismissal of Financial Exploitation Suit – Obtained dismissal of suit alleging financial exploitation of assisted living resident by employee of provider.
- iii) Defense/Settlement of Wrongful Death Claim – Successfully obtained settlement of wrongful death claim against assisted living provider while Summary Judgment Motion pending to dismiss plaintiff’s suit.
- iv) Defense/Settlement of Wrongful Death Claim - Successfully defended and obtained settlement of medication error/wrongful death litigation brought by nine adult children of nursing home resident.
- v) Defense/Representation of pharmaceutical manufacturer in Phenylpropanolamine litigation/MDL. Served as co-liaison counsel for defendant pharmaceutical manufacturer in MDL.
- vi) Defended/Settled multiple suits alleging product defeat/failure to warn against manufacturer of Parkinson’s Disease medication.
- vii) Defense/Settlement of Breast Implant Product Cases – Successfully defended and obtained settlement in multiple product liability claims alleging defective breast implants.
- viii) Defense/Settlement of Dental Negligence/Injury Claims - Successfully defended and obtained settlement on behalf of oral surgeons and dentists in a variety of medical negligence claims. Obtained Summary Dismissal of several of these claims.
- ix) Defended Claims of Medical Negligence Against Physical Therapist - Defended and obtained favorable trial result (following a two and a half week trial) in litigation alleging medical negligence against physical therapy clinic.

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### Other Litigation

- i) Defense/Settlement of Six Wrongful Death Claims – Successfully defended and obtained settlement of six wrongful death claims (involving 35 statutory beneficiaries) arising out of a refinery explosion.
- ii) Defense/Settlement of Bystander Claims – Successfully defended/settled claims for bystander liability arising from refinery explosion.
- iii) Defense/Settlement Claim for Paralysis and Cognitive Impairment – Successfully defended and settled a claim (after one week of trial) for paraplegia and moderate cognitive impairment allegedly suffered in a fall from industrial scaffolding.
- iv) Defense - Summary Judgment in favor of land owner/business operator on wrongful death claim.
- v) Defense - Summary Judgment in favor of river rafting outfitters on wrongful death claims - upheld on appeal.
- vi) Defense/Settlement of Traumatic Head Injury Product Liability Claim – Successfully defended and obtained settlement (while summary judgment motion was pending) of products liability claim of allegedly defective design in a travel trailer hitch mechanism.
- vii) Defense/Settlement of Cosmetics Products Cases – Successfully defended and settled multiple cases alleging facial injuries from use of cosmetic products.
- viii) Defense/Settlement of Industrial Solvent Product Cases – Successfully defended and settled case brought by numerous Boeing employees alleging injury from inhalation of industrial solvent used in the manufacture of airplane parts.
- ix) Defense/Settlement of Breast Implant Product Cases – Successfully defended and obtained settlement in multiple product liability claims alleging defective breast implants.
- x) Defense/Settlement of Component Parts Products Claim – Successfully defended and obtained settlement in multiple claims arising from fires in coffee makers allegedly containing defective thermal cut-off switches.
- xi) Summary Judgment of Inverse Condemnation Claim – Successfully obtained summary judgment on behalf of county against claims by fifteen property owners of wrongful taking through promulgation of regulations. Summary Judgment Upheld on appeal.
- xii) Defense Trial Verdict in Serious Back Injury Claim – Obtained defense verdict following three weeks of trial on work place back injury claim.
- xiii) Defense Trial Verdict – Obtained defense verdict following week-long trial of construction negligence/property damage claim.
- xiv) Defense/Settlement of Whistle Blower Claim – Successfully defended and settled claim (while summary judgment was pending) by County Sewer District Manager who alleged he was terminated in retaliation for reporting various violations.

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- xv) Defense Trial Verdict in Bad Faith Lawsuit – Obtained defense verdict following two week trial in bad faith lawsuit brought by insured law firm for denial of coverage under its errors and omissions policy. Verdict upheld on appeal. *Tewell, Thorpe & Findlay, Inc., P.S. v. Continental Cas. Co.*, 64 Wn.App. 571, 825 P.2d 724 (1992).
  - xvi) Summary Judgment on Behalf of Insurer – Successfully obtained summary judgment on behalf of Municipal Errors and Omissions Insurer in Bad Faith / Coverage Action where underlying claim against city arose from the death of firefighters. Summary judgment upheld on appeal. *City of Everett v. American Empire Surplus Lines Ins. Co.*, 64 Wn. App. 83, 823 P.2d 1112 (1991).
  - xvii) Summary Judgment on Behalf of Insurer in Tribal Court – Successfully obtained summary judgment from Colville Tribal Court on behalf of insurer who issued policies to Tribal elders where underlying claims were for violations of the Indian Civil Rights Act by Tribal elders.

#### **Awards and Honors**

Martindale-Hubbell “AV” Rating  
Fellow, Litigation Counsel of America  
Multiple selections as Washington “SuperLawyer,” *Washington Law and Politics Magazine*

#### **Professional and Community Activities**

American Bar Association  
Defense Research Institute (DRI)  
Member, Nursing Home/ALF Litigation Seminar Planning Committee (2004-present)  
Washington Defense Trial Lawyers  
Product Liability Committee  
Tort and Insurance Law Section  
Recreational Vehicle Industry Association  
National Association of Railroad Trial Counsel