



Peter

Peter D. Hawkes
Shareholder
Securities & Corporate Governance
Litigation Team Chair

Portland
D 503.778.2165 C 503.901.4189
hawkesp@lanepowell.com

Peter Hawkes is Chair of the Securities & Corporate Governance Litigation Team. He represents national and international clients in trial court proceedings and on appeal. He brings a strategic business approach to helping clients solve complex legal issues, and helps them think beyond the matter-at-hand.

Peter has taken several commercial cases through complex, multi-week trials. He has resolved many other cases short of trial through successful motion practice or advantageous settlement negotiations. Peter has also briefed and argued numerous cases in both state and federal appellate courts.

With his breadth of experience, Peter is able to help clients see the bigger picture. For example, if a trial court rules adversely on an issue, what are the prospects for obtaining a reversal on appeal? Even if reversal is likely, how long will it take to get there, and what will it cost? Should a perceived advantage on a particular issue be pressed, or will doing so result in a Pyrrhic victory that will ultimately be fleeting and counterproductive? Peter works with clients to make strategic decisions and reach optimal results, regardless of the twists and turns of the litigation process.

He has experience in a wide range of commercial litigation matters, including;

- securities cases;
- contract disputes;
- business torts;
- unlawful trade practices;
- insurance coverage disputes;
- real estate disputes; and
- First Amendment litigation.

Practices & Industries

Antitrust, Competition, & Trade
Appellate
Class Actions
Commercial Litigation
ERISA, Life, Health & Disability
Electronic Discovery, Technology & Strategy
Securities & Corporate Governance
Litigation

Education

New York University School of Law, J.D.,
cum laude, 2003
Harvard University, B.A., *magna cum laude*, 1999

Admissions

Oregon
New York
U.S. District Court, District of Oregon
U.S. District Court, Southern District of

New York

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Supreme Court

Washington

Honors

The Best Lawyers in America®, Appellate (2020-2021)

"Oregon Super Lawyer," Thomson Reuters, Business Litigation (2015-2020)

"Under 40 Hot List," *Benchmark Litigation* (2017-2018)

"Oregon Rising Star," Thomson Reuters, Business Litigation (2008-2014)

"Future Star," *Benchmark Litigation* (2009)

Multnomah Bar Association Pro Bono Honor Roll (2007-2016)

LinkedIn

<https://www.linkedin.com/in/peter-hawkes-91495a13/>

Experience

Khalsa, et al. v. Khalsa, et al./State of Oregon v. Siri Singh Sahib Corp., et al.

Case No. 0909-13281 and 1010-14518 | Multnomah County Circuit Court

Represented the management team of a food and beverage company in litigation over control of the company.

Ananda Marga Inc. v. Ac. Vimalananda Avt.

Case No. 10CV1867 | Denver County District Court

Successfully negotiated a nonprofit school's independence from its parent organization following a litigation dispute between them

Brandrup v. ReconTrust Co., N.A.

Case No. S060281 | Oregon Supreme Court

Represented a national bank in proceedings before the Oregon Supreme Court on certified questions regarding the interpretation of the Oregon Trust Deeds Act, resulting in an interpretation that largely confirmed banks' ability to proceed with nonjudicial foreclosure on securitized loans.

New York Times Co. v. Gonzales*

Case No. 05-2639 | U.S. Court of Appeals, Second Circuit

Represented a major newspaper in its efforts at the trial court and appellate levels to protect its reporters' telephone records from a government subpoena.

U.S. v. Norian Corp., et al.

Represented several employees of a pharmaceutical device company in connection with a federal grand jury investigation into alleged off-label marketing

Naylor et al. v. Sunwest Management Inc. et al.

Case No. 0703-03248 | Multnomah County Circuit Court

Obtained dismissal of a class action complaint against a number of long-term care facilities and their management company brought by residents for violation of the Oregon Unlawful Trade Practices Act.

CIBC v. InvesTraders Int'l Corp., et al.*

New York Supreme Court

Represented a large financial institution in a breach of contract action involving the purchase of a portfolio of high-yield bonds, resulting in a \$7

million verdict in the client's favor.

HLHZ Investments, LLC v. Plaid Pantries, Inc., et al.

Case No. 06-cv-797-KI | U.S. District Court, District of Oregon

Represented CEO and controlling shareholder of a convenience store company in extensive litigation with an investment bank attempting to take control of the company; litigation was resolved with management retaining control of the company.

Wah Chang v. PacifiCorp

Case No. 212 Or. App. 14, 157 P.3d 243 (2007)

Represented Wah Chang in a matter arising out of the manipulation of the Western electricity markets during 2000 and 2001, during which period Wah Chang paid extraordinary prices to its electricity supplier, PacifiCorp, pursuant to a contract tied to a market index.

Reser's Fine Foods, Inc. v. Bob Evans Farms, Inc et al.

Case No. 3:2013cv00098 | U.S. District Court, District of Oregon

Defended Reser's Fine Foods against a counterclaim in a matter arising out of Reser's decision to discontinue a 17-year relationship with BEF Foods, Inc. for the supply of refrigerated side dishes.

Espinoza v. Evergreen Helicopters, Inc.

Case No. A147028

Defended Evergreen Helicopters against eight wrongful death cases arising out of a helicopter crash in Peru.

Gattuccio, Michael v. The O.N. Equity Sales Company

Case No. A149789 | U.S. Court of Appeals, Ninth Circuit

Defending the investment adviser for an open-end fund company, a broker-dealer, and issuers of annuities and life insurance, against claims related to the prevention of financial elder abuse.

In re Lihua International, Inc. Shareholder Derivative Action

Case No. 14-cv-03543-RA | U.S. District Court, Southern District of New York

Defending Lihua International and various individuals in a securities class action arising out of the discovery in late April 2014 that Lihua's former CEO and former COO took out \$200M in hidden and unauthorized debt ostensibly on the company's behalf.

In re Lihua International, Inc. Securities Litigation

Case No. 14-cv-05037-RA | U.S. District Court, Southern District of New York

Defending Lihua International and various individuals in a securities class action arising out of the discovery in late April 2014 that Lihua's former CEO and former COO took out \$200M in hidden and unauthorized debt ostensibly on the company's behalf.

In re Washington Banking Company Shareholder Litigation

Case No. 13-2-38689-5 SEA | King County Superior Court | Seattle, Washington

Represented Washington Banking Company against an attempt to enjoin a merger between Heritage Financial Corporation and Washington Banking by a purported class of shareholders, claiming damages in the event the merger was consummated.

John K. Hussa v. Lee H. Blackwell

Represented John Hussa in an action to declare void an amendment to a family trust agreement on the grounds of undue influence.

Shareholders v. PremierWest Bank

Defended PremierWest Bank against an effort by a plaintiff, on behalf of an alleged class of PremierWest shareholders, seeking to enjoin a merger between our client and Starbuck Bancares, and damages in the event the transaction were consummated.

Stratus Technical Sales LLC Antitrust Investigation

Represented a manufacturer's representative of semiconductor technologies and products in a DOJ antitrust investigation of cartel behavior in the Static Random Access Memory (SRAM) semiconductor market and related civil class action price-fixing actions.

World Class Technology Corp. v. Ormco Corporation

Case No. 2013-1679; 2014-1692 | U.S. Court of Appeals, Federal Circuit

Represented World Class Technology in a case against one of its largest competitors, Ormco Corporation. The case sought a declaratory judgment that WCT did not infringe Ormco's patent relating to an orthodontic bracket.

Everything Cycles, Inc. v. American Honda Motor Co., Inc

Case No. 07-1170-TC | U.S. District Court, District of Oregon

Represented motorcycle manufacturer in dealer termination dispute; summary judgment for defendant.

COLAB Architecture + Urban Design, LLC v. Nath, et al.

Case No. 0910-14269 | Multnomah County Circuit Court

Obtained judgment on behalf of an architect in a contract dispute with a developer.

Hogan v. NW Trust Services, Inc., et al.

Case No. 10-35534; 10-35536 | U.S. Court of Appeals, Ninth Circuit

Led preparation of a Ninth Circuit joint appellate brief on behalf of a group of defendants in litigation arising out of a foreclosure.

Mid-Valley Resources Inc. v. Foxglove Properties, LLP

Case No. A154337

Obtained reversal on appeal of a trial court's declaration of the existence of public roads across a vineyard's real estate holdings.

In re Automotive Parts Antitrust Litigation

U.S. District Court, Eastern District of Michigan/Detroit, Michigan

Ongoing defense of two Japanese auto parts manufacturers in multiple class action lawsuits seeking damages as a result of collusion in the auto parts industry.

Ciuffitelli et al. v. Deloitte & Touche LLP, et al.

Case No. 3:16-cv-00580-AC | U.S. District Court, District of Oregon

Defended bank and trust company in multiple lawsuits alleging secondary liability under Oregon state securities laws arising out of the collapse of the Aequis investment companies.

State of Oregon v. LG Electronics, Inc.

Case No. 1208-10246 | Multnomah County Circuit Court

Defended electronic display manufacturer in antitrust litigation brought by the State of Oregon.

McKittrick v. Hale Lane Peek Dennison and Howard, et al.

Case No. 0611-12346 | Multnomah County Circuit Court

Defended attorney and law firm against claims for secondary liability under the Oregon Securities Law arising out of work performed on limited liability company offering.

Guaranty RV, Inc. v. Monomoy Capital Partners, LP

U.S. District Court, District of Oregon

Defended private equity company from contractual and misrepresentation

claims brought by a customer of a portfolio company.

State of Washington v. McKesson Corp., et al.

Alaska

Represented national drug distributor in litigation brought by the State of Washington relating to the distribution of opioids.

Neagle v. Altisource Solutions, et al.

District Court

Represented third-party provider of default-related services to mortgage servicer on appeal from the dismissal of antitrust claims brought by borrower.

Nichols, et al. v. American Equities, Inc., et al.

Case No. 19-2-00445-06 | Clark County Superior Court

Successfully negotiated resolution of securities claims brought by investors against issuers' managers.

Parents for Privacy, et al. v. William Barr, et al.

Case No. 3:17-cv-01813-HZ | U.S. District Court, District of Oregon

Represented Basic Rights Oregon in obtaining affirmance on appeal of dismissal of claims brought by parent advocacy group challenging school district's policy permitting transgender students to use facilities corresponding to their gender identities.

Altenhofen v. Chyp, LLC, et al.

Oregon

Successfully obtained JNOV erasing the majority of damages awarded against plaintiff's former employer at trial, when employer was represented by different counsel.

Huntberger, et al. v. Liberty Insurance Underwriters

Successfully defended insurer in trial court and on appeal from attempted garnishment of insurance proceeds arising out of judgment against insured.

Radish Seed Growers' Association, et al. v. Northwest Bank

District Court

Represented bank in litigation brought by radish seed growers claiming that bank wrongfully asserted a security interest in seed they grew on behalf of bank's debtor.

Rowell, et al. v. Underwood, et al.

Oregon

Obtained \$3 million jury verdict in favor of minority member of berry farm LLC on claims for breach of fiduciary duty and breach of contract against majority member.

Wee Farms, LLC v. Lemma, Et al.

Oregon

Negotiated resolution of dispute between owners of cannabis manufacturing business.

** Denotes experience at a previous firm*

Professional Experience

Cahill Gordon and Reindel LLP, Associate (2003-2007)

United States District Court, Southern District of New York, Judicial Intern to the Hon. John G. Koeltl (2001)

Community Involvement

Washington State Bar Association, Member (2020-Present)

St. Andrew Legal Clinic

- President (2014)
- Secretary (2013)
- Board Member (2011-Present)

Oregon Business & Industry Education Committee, Member

Multnomah Bar Association, Member

Executive Committee Member and Treasurer, Oregon State Bar Business Litigation Section

Thought Leadership

August 20, 2020 | News

The Best Lawyers in America © 2021 Recognizes 92 Lane Powell Attorneys

Awards & Honors

July 6, 2020 | News

Ten Lane Powell Attorneys Recognized by *Super Lawyers* in Oregon for 2020 Awards & Honors

February 12, 2020 | News

Lane Powell Wins Transgender Rights Lawsuit Before the Ninth Circuit Court of Appeals
Firm Announcement

December 6, 2019 | Publication

Additional Civil Appeals: Oregon
Practical Law

December 6, 2019 | Publication

Initial Civil Appeals: Oregon
Practical Law

August 15, 2019 | News

The Best Lawyers in America© 2020 Recognizes 63 Lane Powell Attorneys Awards & Honors

July 5, 2019 | News

Twenty-one Lane Powell Attorneys Recognized by *Super Lawyers* in Alaska and Oregon
Awards & Honors

March 26, 2019 | News

Antitrust Team Wins GCR's 'Litigation of the Year – Cartel Defense' Award
Awards & Honors

July 24, 2018 | News

Twenty-three Lane Powell Attorneys Recognized by *Super Lawyers* in Alaska and Oregon
Awards & Honors

October 26, 2017 | News

Lane Powell Highly Recommended in *Benchmark Litigation* 2018
Awards & Honors

September 13, 2017 | Event / CLE

Secondary Actor Liability for Lawyers under State Securities Statutes
National Legal Malpractice Conference | Colorado Springs, Colorado

August 1, 2017 | News

Lane Powell Attorneys Recognized as 'Top 250 Women in Litigation' and on 'Under 40 Hot List' for 2017 by *Benchmark Litigation*
Awards & Honors

July 10, 2017 | News

Twenty-three Lane Powell Attorneys Recognized by *Super Lawyers* in Alaska and Oregon
Awards & Honors

June 28, 2017 | Publication

Resh Exposes Defendants to Serial Class Cert. Relitigation
Law360

June 28, 2017 | Publication

The Supreme Court Holds that the Securities Act's Statute of Repose Is Not Subject to American Pipe Tolling, in *CalPERS v. ANZ Securities* (June 26, 2017)
Securities Litigation Legal Update

June 11, 2017 | Publication

Ninth Circuit Extends American Pipe Tolling to Subsequent Class Actions, in *Resh v. China Agritech, Inc.* (May 24, 2017)
Securities Litigation Legal Update

May 17, 2017 | Event / CLE

The Future of eDiscovery and Litigation Strategies Under the New Federal Rules of Civil Procedures
The Knowledge Group | Webinar

November 1, 2016 | Publication

Ninth Circuit Smells a Rat: Failure to Disclose FDA Concerns about Rat Study Gives Rise to Strong Inference of Scienter in *Schwartz v. Arena Pharmaceuticals* (October 26, 2016)
Securities Litigation Legal Update

October 14, 2016 | Publication

First Circuit Finds Too Few Brushstrokes to Paint a Portrait of Scienter, in *Local No. 8 v. Vertex Pharmaceuticals* (October 3, 2016)

Securities Litigation Legal Update

July 11, 2016 | News

Twenty-one Lane Powell Attorneys Recognized by *Super Lawyers* in Alaska and Oregon

Awards & Honors

September 21, 2015 | Publication

Whose Privilege Is It, Anyway? Asserting the Attorney-Client Privilege in Insurance Coverage Disputes

Litigation Journal

July 8, 2015 | News

Fifteen Lane Powell Attorneys Named 'Oregon Super Lawyers' and Four Named as 'Oregon Rising Stars'

Awards & Honors

February 19, 2015 | Publication

Oregon Court of Appeals Issues Decision Interpreting Antifraud Provisions of Oregon Securities Law

Securities Legal Update

October 29, 2014 | News

Thirteen Lane Powell Attorneys Named to Oregon State Bar's 2013 Pro Bono Honor Roll

Awards & Honors

October 22, 2014 | News

Lane Powell Wins Victory for World Class Technologies

July 9, 2014 | News

Fifteen Lane Powell Attorneys Named 'Oregon Super Lawyers' and Five Named as 'Oregon Rising Stars'

Awards & Honors