

Litigation

We are a preeminent litigation firm, representing clients in the Northwest and nationally in dispute resolution ranging from arbitration to complex litigation and class actions.

Experience

TruGreen Landcare LLC v. Davis and Northwest Landscape Services of Oregon, LLC

Oregon Superior Court

Represented employer and employee sued for violation of noncompetition agreement.

Alexander v. GMRI d/b/a Olive Garden Restaurants*

Spokane Superior Court

Successfully compelled arbitration of wage and hour claims and defeated petition for discretionary review.

Evergreen Safety Council v. RSA Network, Inc.

Case No. 2011 U.S. Dist. LEXIS 64261 aff'd 697 F.3d 1221, 104 U.S.P.Q.2D (BNA) 1380, Copy. L. Rep. (CCH) ¶ 30,333 | U.S.

Court of Appeals, Ninth Circuit

Successfully defended Evergreen Safety Council in defeating a copyright infringement claim filed by RSA for the use of traffic safety diagrams and text.

Diamond Parking, Inc. v. Lindsay

King County Superior Court

Represented employer who sued to enforce non-competition agreement.

Attachmate Corporation v. Celcom Axiata Berhad

Case No. 2:2010cv00526 | U.S. District Court, Western District of Washington

Successfully represented the largest cellular phone company in Malaysia and obtained a complete victory against claims brought by Seattle-based software company Attachmate Corporation. Attachmate had sued Celcom for copyright infringement and breach of contract arising out of the alleged over-installation of software. Attachmate sought damages of more than \$5 million. Celcom moved to dismiss the complaint based on copyright doctrines of extraterritoriality and preemption, as well as personal jurisdiction. Judge Ricardo Martinez granted Celcom's motion in its entirety.

Alaskasland v. Kevin Cross, et. al

Successfully defended realtor defendants and obtained a complete summary judgment victory against claims for misappropriation, trademark infringement and defamation among others. Appeal now pending.

Tall Chief Country Club v. Snoqualmie Valley Preservation Alliance, et al

Assisted the owners of a golf course in obtaining preliminary plat approvals from a hearing examiner and the County Council to redevelop a 191-acre golf course into an 18-lot subdivision, while returning 45 acres into active farming.

Recaro North America, Inc. v. Speedware Motorsports

Successfully defended respondent in World Intellectual Property Organization (WIPO) domain name dispute.

McClintic v. Lithia Motors, Inc.,

Case No. C11-859RAJ | U.S. District Court, Western District of Washington
Telephone Consumer Protection Act (TCPA) class action.

Mirina Corp. v. Marina Biotech, Inc.

Successfully defended against a preliminary injunction motion in trademark infringement case.

Hovila v. Tween Brands Inc.

Case No. C09-491RSL | U.S. District Court, Western District of Washington
Telephone Consumer Protection Act (TCPA) class action.

Beacon Plumbing v. Billy Schumacher Racing LLC

Represented premiere hydroplane racing team to negotiate hydroplane sponsorship contract for Seafair and other national and international competitions.

Coble v. Anita Renfroe, LLC et al

Case No. 2:2011cv00498 | U.S. District Court, Western District of Washington
Successfully defended author and entertainer Anita Renfroe in a copyright and trademark infringement suit.

Olympic Pipeline Litigation

Wrongful death, business interruption and natural resource damages claims arising out of the Olympic Pipe Line explosion.

Wright v. Fred Hutchinson Cancer Research Center

Insurance coverage.

City of Spokane v. United National Insurance Company

Case No. 190 F. Supp. 2d. 1209 | U.S. District Court, Eastern District of Washington
Litigation over application of pollution exclusion.

Old Sarges Pawnshop, et. al. v. City of Lakewood

Pierce County Superior Court
Litigation over validity of city ordinance.

Yakama Nation, et. al. v. Columbia Gorge Investors Limited Partnership

U.S. District Court, Eastern District of Washington
Land use and treaty rights issues.

Cassan v. City of SeaTac

King County Superior Court

Sign code litigation.

Van Buskirk v. ConocoPhillips, Inc.

Case No. 2009 WL 3784334 | U.S. District Court, Western District of Washington

Representation of refinery in shoreline dispute with more than 30 plaintiffs.

Patch v. Seattle Seahawks

Case No. 2:13-cv-00612 | U.S. District Court, Western District of Washington

Defended the Seattle Seahawks against claims by an employee that he was retaliated against, after alleging that his supervisors had used a racial epithet.

Amaker v. King County et. al.

Case No. 479 F. Supp. 2d 1151, 479 F. Supp 2d 1189, 479 F. Supp 2d 1162 aff'd in part, 291 Fed. App'x 817 | U.S. Court of Appeals, Ninth Circuit

Representation of county and medical research institute.

Lieberg v. Red Robin Gourmet Burgers, Inc.

Case No. 2:15-cv-01242 | U.S. District Court, Western District of Washington

Defended Red Robin International in a nationwide disability accommodation class action lawsuit, related to Title III of the Americans with Disabilities Act as amended.

Claffey v. Starbucks Corporation

Snohomish County Superior Court

Defended Starbucks against a retaliation and FMLA interference claim made by a former manager.

Turnquist v. Nordstrom, Inc.

Case No. 2:15-cv-00710 | U.S. District Court, Western District of Washington

Defended Nordstrom against allegations levied by a former employee of nationwide class action and personal employment claims asserting that Nordstrom accounting methods violated law and employees reporting errors were discharged.

Jolley v. Regence BlueShield*

Case No. 153 Wn. App. 434, 220 P.3d 1264 | U.S. Court of Appeals, Ninth Circuit

Obtained a dismissal of claims by terminated health care provider.

Alison v. Metropolitan Life Insurance Company

Case No. 3:15-cv-05567-RBL | U.S. District Court, Western District of Washington

Obtained a judgment in favor of insurer on de novo review of an ERISA disability claim.

Glaubach v. Regence BlueShield*

Case No. 149 Wn.2d 827, 74 P.3d 115 | U.S. Court of Appeals, Ninth Circuit

We obtained a dismissal of gender discrimination claims (WL 711523).

Pleasant v. Regence BlueShield

Case No. 181 Wn. App. 252, 325 P.3d 237 | U.S. Court of Appeals, Ninth Circuit

Obtained a dismissal of claims for health care coverage.

Hunter v. Regence BlueShield*

Case No. 2006 WL 2396643. Wn. App.

Obtained a dismissal of claims for health care coverage.

Tortes v. King County*

Case No. 119 Wn. App. 1, 84 P.3d 252 | U.S. Court of Appeals, Ninth Circuit

We obtained a dismissal of claims against Metro by a party injured in an Aurora Bridge accident.

Syrett v. Reisner McEwin & Associates*

Case No. 107 Wn. App. 524, 24 P.3d 1070 | U.S. Court of Appeals, Ninth Circuit

We obtained a dismissal of claims against marine surveyor.

Nielson v. Eisenhower & Carlson*

Case No. 100 Wn. App. 584, 999 P.2d 42 | U.S. Court of Appeals, Ninth Circuit

We obtained a dismissal of attorney malpractice claims.

Barnhart v. New York Life Ins. Co*

Case No. 141 F.3d 1310 | U.S. Court of Appeals, Ninth Circuit

We obtained a dismissal of claims by terminated insurance agent.

Electric Mirror LLC v. Janmar Lighting Inc.

Obtained dismissal in suit seeking declaratory judgment of non-infringement and/or invalidity of Janmar's patent based on lack of personal jurisdiction over defendant, Janmar Lighting, Inc.

Gerawan Farming, Inc. v. Prima Bella Produce, Inc

Case No. 1:10-cv-00148-LJO | U.S. District Court, Eastern District of California | Fresno, California

Defended Prima Bella Produce against federal and state claims for trademark infringement, dilution and unfair competition brought by Gerawan Farming, a case that ended in a confidential settlement agreement.

Allen v. Boeing Company

Case No. 2:14-cv-00596 | U.S. District Court, Western District of Washington

Defended Landau Associates, an environmental consultant under contract with Boeing, regarding investigation and remediation of a solvent plume that allegedly migrated in groundwater from Boeing's Auburn facility into an adjacent residential neighborhood.

Landfill Enforcement Action Defense

Defended an oil company refinery in an enforcement action concerning a former landfill.

Alpha Therapeutic v. Allianz

Case No. BC 080 447 | Los Angeles County Superior Court
Insurance coverage litigation for environmental claims.

In re: Private Arbitration for Large Investment Banking Organization*

Private arbitration matter (NASD Arbitration). Obtained very favorable decision for employer in dispute filed by former VP, alleging contract and quasi-contract claims seeking incentive bonus payments.

March Point Cogeneration Company v. Puget Sound Energy

Case No. C95-1833R | U.S. District Court, Western District of Washington
Contract dispute between cogeneration joint venture and electric utility.

EEOC v. Global Horizons, et. al.

U.S. District Court, Eastern District of Washington

Obtained favorable comprehensive summary judgment ruling on the matters for all claims; obtained ruling awarding employer clients all attorneys' fees and costs incurred in the litigation.

EEOC v. Carl Buddig & Co.*

U.S. District Court, Northern District of Illinois

Won motion to exclude class of claimants (405 people) based on EEOC's discovery tactics and thereafter negotiated much more favorable resolution to the case.

Clark v. Payless Shoesource, Inc., et al.,

Case No. C09-00915JCC | U.S. District Court, Western District of Washington
Telephone Consumer Protection Act (TCPA) class action.

Steadman v. Urban Retail Properties Co.*

U.S. District Court, Northern District of Illinois

Won summary judgment for employer on Title VII religious discrimination lawsuit; decision affirmed on appeal to the Seventh Circuit.

O'Connor v. Temple Inland, Inc.*

U.S. District Court, District of Minnesota

Won summary judgment for employer in complex Title VII sexual harassment, sex discrimination and retaliation case.

Walker v. St. Andrews Housing Association et. al.,

King County Superior Court
Building envelope litigation.

EEOC v. United Airlines*

U.S. District Court, Northern District of Illinois

Represented airline employer in Title VII sexual harassment and race discrimination case, as well as two separate ADA discrimination/failure to accommodate cases; resolved cases by negotiating favorable consent decrees.

Petty v. Michigan Automotive Compressor, Inc.*

U.S. District Court, Eastern District of Michigan

Won summary judgment for employer on Title VII and state law claims of race discrimination, race harassment and retaliation.

McPherson v. City of Waukegan*

U.S. District Court, Northern District of Illinois

Won summary judgment for employer on claims of sexual harassment, assault and battery; decision affirmed on appeal to the Seventh Circuit.

Johnson v. Sun-Sentinel Company*

U.S. District Court, Southern District of Florida

Won summary judgment for employer in case involving Title VII and state law claims of racial, national origin and sexual harassment, retaliation, and race and sex discrimination.

Maney, et al. v. Southwest Desert Restaurants, Inc., et al.*

Yuma County Superior Court

Won full defense verdict for employer in a multi-plaintiff, multi-defendant workplace tort action; decision affirmed on appeal.

Kyles, et al. v. J.K. Guardian*

U.S. District Court, Northern District of Illinois

Obtained jury verdict for employer on first employment testers case to go to trial, alleging multiple claims of racially discriminatory hiring in violation of Title VII.

EEOC v. OSI and OSI Collection Services, Inc.*

U.S. District Court, Northern District of Illinois

Won summary judgment for employer in multi-plaintiff, multi-claim Title VII pattern and practice retaliation dispute.

Defended Trademark Infringement Claims for a Global Nutrition and Weight Management Company

U.S. District Court, District of Oregon

Represented global nutritional products company in suit involving alleged trademark infringement and breach of contract.

Steele v. Extendicare Health Services, Inc. et al

Represented Extendicare and several affiliated companies in a series of class action lawsuits in Washington, Minnesota and Wisconsin regarding, among other allegations, misrepresentation of the standard of care provided to residents.

FLIR Systems, Inc. v. Sierra Media, Inc. et al

Case No. 3:2010cv00971 | U.S. District Court, District of Oregon

We represented Fluke Corporation against false advertising claims filed by a competitor, FLIR Systems, Inc., in a nine-day jury trial at the U.S. District Court of Oregon.

Simmonds v. Credit Suisse Securities (USA) LLC

Case No. C07-1549JLR | U.S. District Court, Western District of Washington

Represented a dozen underwriter defendants as local counsel in 54 coordinated cases, filed by the same plaintiff, asserting that directors and officers of 54 companies had acted as a group with the defendants to engage in transactions leading to hundreds of millions of dollars to be disgorged as short swing profits from issuers and underwriters in IPOs from 1998-2001.

Short swing profits to be disgorged under Securities Exchange Act Section 16(b). Obtained dismissal later affirmed by U.S. Supreme Court.

In re Summary Judgement for Specialty Engineering Firm

U.S. District Court, Western District of Washington | Seattle, Washington

Successfully obtained complete dismissal on summary judgment of a multimillion dollar negligence and negligent misrepresentation claims against a design consultant by a subcontractor on a public works utility project.

Raisbeck Engineering, Inc. \$20M Sale to Acorn Growth Companies

Assisted Raisbeck Engineering in the sale of its business to Acorn Growth Companies for approximately \$20M.

Zimmerman et al. v. Tesoro et al.

Case No. 11-2-00248-8 | Skagit County Superior Court

Defended Shell against a lawsuit arising from the explosion of a refinery in Anacortes, Washington, 12 years after Shell had sold the subsidiary that owned the refinery to Tesoro.

Contos v. National Bank Escrow Company LLC

Case No. C08-838Z | U.S. District Court, Western District of Washington | Seattle, Washington

Represented National Bank Escrow in a putative class action lawsuit claiming violation of RESPA section 8(a) (12 U.S.C. § 2607(a)), the Washington Consumer Protection Act, and breach of fiduciary duty.

Oil Refinery Development Agreement

Represented a North Dakota city in the drafting and negotiation of a development agreement for construction and operation of an oil refinery.

Abou-Zaki (Armani) v. Aetna Life Insurance Company et al.

Case No. 2:2012-cv-01688 | U.S. District Court, Western District of Washington

Obtained a complete defense verdict for Aetna Life Insurance Company, following a bench trial, in the case of a plaintiff who sought long-term disability benefits under ERISA.

Ah You v. Home Depot

Case No. 3:12-cv-00172-HRH | U.S. District Court, District of Alaska

Defended employer against wrongful termination, national origin discrimination, and violation of the covenant of good faith and fair dealing claims.

adidas America, Inc. et al v. Skechers USA, Inc.

Case No. 3:15-cv-01741-HZ | U.S. District Court, District of Oregon

Defending Skechers, as local counsel, against trademark and trade dress infringement, dilution, unfair competition and breach of contract claims asserted by adidas.

American Campus Communities Oregon Bureau of Labor and Industries Prevailing Wage Investigation

Representing America Campus Communities in an investigation by the Wage and Hour Division of the Oregon Bureau of Labor and Industries (BOLI) concerning prevailing wages that were allegedly not paid to employees in connection with the construction of student residences on the campus of Southern Oregon University in Ashland, Oregon.

American Marine Bank v. Riverstone Development LLC

Represented Robert Steinberg, the general receiver of a local development company that owns a partially completed condominium project, in completion and sale of the units.

AT&T Corp. v. Department of Revenue

Case No. 15 OTR 202 | Oregon Tax Court

Summary judgment for AT&T, \$3,000,000 income tax refund.

Attachmate Corporation v. Tarmac Ltd.

Case No. 2:2008cv01370 | U.S. District Court, Western District of Washington

Defended Tarmac Ltd. in a multi-million dollar defense of a software copyright infringement lawsuit.

Attachmate v. HealthNet

Case No. C09-1161 MJP | U.S. District Court, Western District of Washington | Seattle, Washington

Defended Computer Talk on a copyright infringement dispute initiated by Attachmate, a software company, for the alleged infringement of its software programs and breach of licenses, one of a number of times we have defended companies sued by Attachmate.

Bitvestment Partners LLC f/k/a Dalsa Barbour LLC In re Alydian

Represented creditor client, Bitvestment, in fighting a debtor's request to auction its bitcoin-mining rigs, which has resulted in a settlement in Bitvestment's favor.

Bonus v. Tanana Chiefs Conference, Inc.

Obtained summary judgment for Tanana Chiefs Conference, dismissing employee's wrongful termination claim and achieving substantial award of costs and attorney's fees against the plaintiff.

R.B. v. Assets, Inc.

Obtained dismissal in alleged race discrimination claims against employer.

Brinker International Payroll Company, LP v. Duke Investments, LLC

Case No. 3:12-cv-00033 | U.S. District Court, District of Alaska | Anchorage, Alaska

Represented Brinker International, owner/franchisor of the Chili's restaurant brand, in a lawsuit seeking equitable relief requiring Duke Investments to cease all use of the Chili's brand for its ongoing failure to pay franchise fees.

Brandrup v. ReconTrust Co., N.A.

Case No. S060281 | Oregon Supreme Court

Represented Bank of America and numerous other players in the mortgage industry in cases referred to the Oregon Supreme Court from the U.S. District Court for the District of Oregon. arising out of the mortgage foreclosure crisis.

Cassidian Communications, Inc. v. Synergem Emergency Communications, LLC et al

Case No. 6:13-cv-00216-CEH-TBS | U.S. District Court, Middle District of Florida

Defending Synergem Technologies in a bet-the-company case alleging claims under a patent for a system and method for supporting multiple call centers.

Carbon Materials Company Cartel Investigations

Defend cartel investigations in the U.S., EU and Canada. Follow on civil litigation including 15+ class actions in the U.S. Settled before trial.

Carbon Materials Company In re Graphite Electrodes Antitrust Litigation

Case No. 97-CV-4182 | U.S. District Court, Eastern District of Pennsylvania

Defend cartel investigations in the US, Japan, EU, Brazil and Canada. Follow on civil litigation including 30+ class actions in the U.S. and Canada.

Carello v. Diamond Parking, Inc.

Case No. 1:10-cv-00734 | U.S. District Court, District of Hawaii

We acted as national counsel and lead trial counsel for Diamond Parking, Inc. and related entities in a national constitutional, civil rights and consumer class action arising out of our client's parking concession agreement with the State of Hawaii.

City of Port Angeles v. United States of America

Represented the city in obtaining compensation for damage to city's surface water quality and water rights from the removal of the Elwha River Dam.

Chevron Corporation Unfair Competition and Trademark Matters

Represented Chevron in a series of unfair competition; trademark infringement and dilution; and deceptive and unlawful trade practices suits.

Chevron U.S.A., Inc. v. Pelican Butte Oil, LLC

Case No. 1:10-cv-03063 | U.S. District Court, District of Oregon

Represented Chevron in a series of unfair competition; trademark infringement and dilution; and deceptive and unlawful trade practices suits.

Convergja Networks, Inc. and Future Electronics Inc. v. Huawei Technologies Co., Ltd.*

Represented Convergja Networks, Inc. in litigation involving breach of contract, fraudulent, inducement, and willful and wanton misconduct.

Collegenet, Inc. v. Google, Inc.

Case No. 10-cv-01211 | U.S. District Court, District of Oregon

Acted as co-counsel successfully defending Google in a trademark infringement suit brought by CollegeNet over a Speedbook mark. After CollegeNet moved for a preliminary injunction and Google cross-moved for a pre-answer dismissal, the parties agreed to stay the case and later to dismiss the case with prejudice.

Cronick v. Custom Disability Solutions et al.

Case No. 3:13-cv-00161 | U.S. District Court, District of Alaska

Represented Custom Disability Solutions against an ERISA claim seeking long-term disability benefits.

M.C. v. Assets, Inc.

Defended employer against claims of national origin and disability discrimination.

Deter v. Sterling Savings Bank

Defended Sterling Savings Bank against a charge, filed with the Oregon Bureau of Labor and Industries, in which a former employee alleged discrimination, retaliation and wrongful termination due to sex/pregnancy and her use of the Oregon Family Leave Act.

Diamond Parking, Inc. v. Teamsters Local 117

Represented Diamond Parking, Inc. in regards to grievance and union arbitration involving alleged wrongful termination of three employees for violation of company policy.

Donuts, Inc. v. Rightside Group, Ltd.

Represented Rightside in arbitration, in one of the first cases in the country testing the scope and definitions of registry service agreements.

DuWors v. TracFone Wireless, Inc. et al

Case No. 2:2010cv01789 | U.S. District Court, Western District of Washington | Seattle, Washington

Defended TracFone and big box retailer against claims that the defendants' sales of prepaid wireless phone cards are in violation of the Washington Gift Card Statute and Consumer Protection Act.

Enterprises International, Inc. v. International Knife & Saw, Inc.

Case No. C12-5638 BHS, 2014 U.S. Dist. LEXIS 101375; Copy. L. Rep. (CCH) ¶ 30,641, recons. denied, 2014 U.S. Dist. LEXIS

124221 | U.S. District Court, Western District of Washington

Defended International Knife and Saw, a South Carolina-based manufacturing company, against claims for the misappropriation of intellectual property.

Estate Of Maia Haykin And Richard Haykin, Apprs. V. City Of Bellingham, Et Al., Res.

Case No. 10-2-00168-5 | Whatcom County Superior Court | Bellingham, Washington

Defended National RR Passenger Corp. against a wrongful death lawsuit filed by the estate of an individual killed by an Amtrak train while crossing railroad tracks in Bellingham, Washington.

Espinoza v. Evergreen Helicopters, Inc.

Case No. A147028

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

Flowers v. Fred Hutchinson Cancer Research Center

Case No. C17-0989-JCC | U.S. District Court, Western District of Washington | Seattle, Washington

Defended Fred Hutchinson Cancer Institute against age and disability claims brought by a long-term employee also alleging retaliation claims, and obtained summary dismissal.

Forestry Services Company Labor Matters Related to Sale of Business

Represented a sizable forestry services company, in connection with all labor matters arising out of the sale of its forest product operations in Washington state.

FINRA Arbitration for Broker-Dealer, Financial Advisor and Sales Assistant

Case No. 10-05313 | FINRA | Seattle, Washington

Defended major broker-dealer, nationally recognized financial advisor and highly capable sales assistant against claims that they had a duty to halt the aggressive trading and borrowing by another firm's representative, who lost a \$26M fortune amassed by his grandfather. Obtained complete dismissal.

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.

GeoTag Inc v. Frontier Communications Corp et al

Case No. 2:2010-cv-00265 | U.S. District Court, Eastern District of Texas

Defended Intelius/inome in a patent infringement suit for a locator service, alleging that that Intelius infringes a patent for database searches that are both geographical and topical.

Golden Tea Management Advice In re Golden Temple of Oregon Litigation

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

Defended GTM, the manager and majority owner of Golden Temple of Oregon, LLC (GTO), the leading tea manufacturer in the natural foods sector, against multiple challenges to the 2007 transaction that gave GTM control of GTO.

Golden Temple of Oregon, LLC v. Puri

Case No. 12-10-03055 | U.S. District Court, District of Oregon

Represented Golden Temple in this case involving a demand to inspect records pursuant to a licensing arrangement, an inspection of which our clients disputed the scope as too broad.

Gig Harbor Family Trust v. Columbia Valuation Group, Inc. et al.

Case No. 13-2-04399-8 | King County Superior Court

Represented an appraiser in a suit brought by 18 investors claiming his appraisal firm caused them to lose more than a million dollars in a mortgage-paper security investment. Obtained jury verdict dismissal of all claims.

Government Contracting Services LLC v. Evergreen Fire Alarms LLC

We represented Government Contracting Services in obtaining a temporary restraining order and preliminary injunction against two former employees and their new employer for violating non-disclosure agreements, and tortiously interfering with contractual and business relations.

Gladstone Capital Sale of Assets of Spirit of Alaska Radio to Ohana Media Group

Represented lender Gladstone Capital in the sale of radio station assets out of the Spirit of Alaska Radio federal court receivership proceeding, and in closing the sale of the radio station assets to Ohana Media Group for \$1.3M.

Hill v. Accentia Biopharmaceuticals, Inc. et al.

Case No. 8:13-cv-01945-SDM-EAJ | U.S. District Court, Middle District of Florida

Represented former company CEO in defense of securities class action.

Haute Bride-Haute Jewels, LLC v. Nordstrom Inc.

Case No. 2:13-cv-01755-RSM | U.S. District Court, Western District of Washington

Defended Nordstrom against copyright and false-designation-of-origin claims stemming from a bridal headband.

Gee West Seattle v. Huling Bros.

Represented sellers in dispute with buyer over the sale of large car dealership group; obtained favorable arbitration result after two-week arbitration before three arbitrator panel.

House v. Amtrak and BNSF Railway Company

Case No. 11-CV-2110-TSZ | U.S. District Court, Western District of Washington

Defended National RR Passenger Corp. against a lawsuit filed brought by a driver severely injured in a train accident in Marysville, Washington.

In re L&L Energy, Inc. Securities Litigation

Case No. 13-cv-6704-RA | U.S. District Court, Southern District of New York

Represented L&L Energy and various current and former directors and officers in two sets of securities class actions in federal court in Washington and New York, five shareholder derivative actions in federal and state court in Washington and Nevada, and potential opt-out litigation.

In re Vestas Wind Systems A/S Securities Litigation

Case No. 3:2011cv00585 | U.S. District Court, District of Oregon

Representing Henrik Nørremark, former Chief Financial Officer of Vestas Wind Systems A/S, in actions pending in the United States, India and Denmark, including allegations of securities fraud.

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.

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 Northwest Pipe Company Derivative Litigation

Case No. 3:10-cv-05129-RBL | U.S. District Court, Western District of Washington

Represented former CEO and director of Northwest Pipe, Inc., in a federal class action securities lawsuit.

Jacketta v. The Home Depot, Inc.

Defended employer against a claim of disability discrimination (failure to accommodate) processed by Alaska State Commission for Human Rights (ASCHR).

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.

Johnson-Bari v. Sterling Savings Bank

Multnomah County Circuit Court | Portland, Oregon

Defended the insured, Sterling Bank, to a favorable jury verdict in which the plaintiff alleged discrimination and wrongful termination based on her perceived sexual orientation.

M.K. v. Assets, Inc.

Defended employer against claims of discrimination and wrongful termination based on race, national origin and retaliation.

Kayshel v. Toyota of Kirkland

Defending the O'Brien Auto Group, comprised of more than a dozen auto dealerships, against claims that the dealerships failed to pay their sales consultants commissions on sales made on finance department products.

Anderson v. Kenai Peninsula Borough School District

Defended school district and principal in a suit by a minor student and her parents asserting damages inflicted as the student was the victim of bullying and cyber-bullying.

Julep Beauty, Inc. Patent Infringement Claims by Eclipse IP

Assisted Julep, a leader in the cosmetics industry, in responding to patent infringement allegations made by Eclipse IP.

Kforce Inc. v. Oxenhandler

Case No. 2:14-cv-00774-MJP | U.S. District Court, Western District of Washington | Seattle, Washington

Represented Kforce, a specialty-staffing firm, who brought a trade secret and unfair competition suit against two former employees and a recruiting firm. Obtained highly favorable settlement at mediation.

KeyBank N.A. In re Matrix Development Corporation a/k/a Legend Homes

Case No. 08-32798 | U.S. Bankruptcy Court, District of Oregon

Represented KeyBank as regional northwest counsel on various land development and other loans to borrowers in Oregon, Washington and Alaska, as well as on a variety of defaulting real estate loans.

Big Box Retailer Wage & Hour Class Action Lawsuit

U.S. District Court, District of Oregon

Defended big box retailer in case alleging the company failed to timely pay associates at the time of the termination of their employment. A favorable settlement was achieved and approved by the court.

Lenco Mobile, Inc. In re Archer U.S.A., Inc.

U.S. Bankruptcy Court, Western District of Washington

Represented Chapter 11 debtors Lenco Mobile and Archer U.S.A. in the bankruptcy of two technology companies involved in the delivery of information via mobile platforms.

Macy's, Inc. Labor Negotiations With United Food and Commercial Workers Union, Local 21

Served as chief counsel (at the negotiating table) to Macy's, in labor negotiations for a successor collective bargaining agreement covering seven stores and approximately 1,500+ employees at the client's Seattle-area stores. Negotiations, involving complex issues relating to benefits, paid leave, commissions, compensation and contract language, were completed in August of 2012.

Liberty Financial Group, Inc. FDIC Litigation

Representing the former directors and officers of a failed bank, Liberty Financial Group, in connection with the Federal Deposit Insurance Corporation's allegations that the directors and officers breached their fiduciary duties, which breaches the FDIC alleges ultimately caused the Bank's failure.

S.M. v. Assets, Inc.

Defended employer against a claim filed with the Anchorage Equal Rights Commission by a former employee claiming discriminatory termination based on disability.

McVay v. BNSF Railway Company

Case No. 2014 FRS-00068

Defended BNSF against a whistleblower/retaliation claim under the Federal Rail Safety Act.

Mary Byrne/Nissan of Fife Asset Purchase Dispute With Nissan of North America

Represented Mary Byrne, the owner of Nissan of Fife, LLC, in an appeal of an adverse ruling issued by an Administrative Law Judge regarding Byrne's attempt to transfer her dealership to another existing dealer.

Merrihew v. Charles Schwab and Company, Inc., et al

Represented National Bank in a collective action filed against it on behalf of 54 investors who claim losses in excess of \$10M resulting from the collapse of a Ponzi scheme operated by Wesley Rhodes, a former investment advisor.

Big Box Retailer Wage & Hour Class Action Lawsuit

U.S. District Court, District of Alaska | Anchorage, Alaska

Represented big box retailer in four major wage and hour class action lawsuits pending in the states of Alaska, California and Oregon, as well as consumer-based class allegations under gift card and consumer protection laws in the state of Washington.

Big Box Retailer Wage & Hour Class Action Lawsuit

U.S. District Court, District of Oregon

Defended big box retailer in case alleging the company failed to timely pay associates at the time of the termination of their employment. A favorable settlement was achieved and approved by the court.

MidMountain Contractors v. King County

Seattle, Washington

Successfully defended King County Wastewater Treatment Division in a multi-million dollar claim brought by a contractor against a public owner, and also prevailed on a multi-million dollar construction defect claim. The majority of the contractor's claims were dismissed on summary judgment.

Nielsen v. Unum Life Insurance Company of America, et al

Case No. 2:13cv1717 | U.S. District Court, Western District of Washington

Defended Unum Group against claims that its administration of Catholic Health Initiatives's employee benefit plan was actually a "church plan" and not governed by ERISA.

Rosenblum v. Oracle America Inc.

Representing Oracle America in a series of lawsuits in Oregon state and federal courts between Oracle and the state of Oregon arising out of Oregon's attempts to create and manage a state health insurance exchange (HIX) under the Federal Affordable Care Act.

Northwest Infrastructure, Inc. v. PCL Construction Services, Inc. v. Puget Sound Regional Transit Authority

Case No. 09-2-12930-4 SEA | King County Superior Court | Seattle, Washington

Represented Sound Transit in prosecuting fraud and unfair business practices/Consumer Protection Act counterclaims against a subcontractor, and in defending against a multi-million dollar claim for additional compensation by the same subcontractor.

Oregon Occupational Safety and Health Division v. NuStar Energy LP

Case No. 10-0002OSH

Represented NuStar Energy in proceedings before the Oregon Workers Compensation Board, following a multiple count citation by the Oregon Department of Occupational Safety and Health for violation of the Oregon Safe Employment Act at its Portland, Oregon facility.

ODOT v. Alderwoods (Oregon), Inc. Appeal

Represented Alderwoods (Oregon), Inc. in a claim for compensation after the Oregon DOT sought to condemn all direct highway access at one of the client's Oregon funeral home locations.

Oregon Racing, Inc. d/b/a Portland Meadows Collective Bargaining Agreement With Service Employees International Union, Local 49

Advised Oregon Racing, Inc. d/b/a Portland Meadows, a subsidiary of Stronach Group, in reopening of current collective bargaining agreement with Service Employees International Union, Local 49, in relation to Stronach's subsidiary Oregon Racing d/b/a Portland Meadows.

Ormco Corp. v. World Class Technology Corp (Appeal)

Case No. Appeal Nos. 2013-1679 and 2014-1692

Represented World Class Technologies in this patent infringement matter involving orthodontic braces.

Oracle Corporation v. Department of Revenue

Case No. TC-MD 070762C | Oregon Tax Court

Income tax, Department of Revenue (DOR) motion for partial summary judgment denied. Taxpayer not required to report income as business income or non-business income uniformly in each state.

Panter et al v. BNSF et al

Case No. 3:2011cv05691 | U.S. District Court, Western District of Washington | Tacoma, Washington

Defended National RR Passenger Corp. in litigation brought by family members of a woman who died in a vehicular grade crossing accident involving a BNSF train and an Amtrak train in Bucoda, Washington.

Pierce v. Securities and Exchange Commission

Case No. 14-1079

Represented Canadian stock promoter Brent Pierce in administrative proceedings seeking potential disgorgement of more than \$10M.

Plumbers and Pipefitters Union Local 630 Pension-Annuity Trust Fund v. Northwest Pipe Co. et al.

Case No. 3:09-cv-05724-RBL | U.S. District Court, Western District of Washington

Represented former CEO and director of Northwest Pipe, Inc., in a federal class action securities lawsuit and a related derivative lawsuit filed, as well as an SEC fraud investigation.

Prium Companies v. Spokane Rock 1, LLC

Defended Spokane Rock 1 against an attempt by Prium Companies LLC to wrest control of an office complex, eventually obtaining a dismissal and default sanctions, and an award of attorneys' fees.

Powers v. Union Pacific Railroad Company

Case No. 2010-FRS-030

Defended Union Pacific against whistleblower and retaliation claims under the FRSA.

REC Software USA, Inc. v. Sony Mobile Communications (USA) Inc.

Case No. 2:14-cv-01060-MJP | U.S. District Court, Western District of Washington

Defending Sony, and brought a declaratory judgment counterclaim, in this patent infringement suit concerning mobile electronic devices.

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.

Rapid Funding Group, Inc. v. KeyBank NA

Case No. CV07-1348 PK

Defended KeyBank against an action by Rapid Funding Group to recover damages based on representations and warranties allegedly made by KeyBank in conjunction with loans by RFG to third-party Trade Base Equipment.

RFD Publications v. Oregonian Publishing Co.

Case No. 749 F.2d 1327 | U.S. District Court, District of Oregon

Counsel for defendant in suit claiming predatory pricing in violation of the Sherman Antitrust Act, successfully concluded with jury verdict for defendant.

Royal Bank of Canada In re Prism Helicopters Inc.

Advised Royal Bank of Canada with respect to a Canadian helicopter company, with affiliate companies based in Alaska, in multiple Canadian and U.S. bankruptcy matters.

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 Starbucks Bancshares, and damages in the event the transaction were consummated.

Big Box Retailer Wage & Hour Class Action Lawsuit

U.S. District Court, Northern District of California

Defended big box retailer in case alleging the company failed to timely pay associates at the time of the termination of their employment. A favorable settlement was achieved and approved by the court.

Schroeder v. Diamond Parking, Inc. et al

Case No. 1:12-cv-00378 | U.S. District Court, District of Hawaii

We acted as national counsel and lead trial counsel for Diamond Parking, Inc. and related entities in a national constitutional, civil rights and consumer class action arising out of our client's parking concession agreement with the State of Hawaii.

Snohomish County v. Bruner Addition at Mill Creek, LLC, et al

Case No. 10-2-08535-0 | Snohomish County Superior Court | Everett, Washington

Represented lender in a declaratory relief action to determine ownership to valuable land use entitlements following lender's non-judicial foreclosure of land held for development.

Service Employees International Union Local 1199NW v. Community Health Systems et al

Represented Deaconess Medical Center in proceedings before the National Labor Relations Board in a complex dispute involving alleged unilateral changes in health care insurance, refusal to furnish information, failure to bargain in good faith, and other alleged violations.

Shelter Products v. Bridgewell Resources, LLC et. al.

Portland, Oregon

We defended departing executives against actions, for a temporary restraining order and preliminary injunction to enforce non-competition agreements, against these departing executives and their new employer. Advised departing executives on strategy and handled all phases of the litigation in circuit court. Complex issues concerning the assignability and validity of covenant not to compete agreements covering key marketing/sales personnel. The case was later voluntarily dismissed with prejudice.

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.

TC Systems, Inc. Hazardous Substance Allegations by Washington Department of Ecology

Representing TC Systems, the former operator and lease guarantor of a metal coating and finishing business in Everett, Washington, regarding State Department of Ecology allegations of release of hazardous substances.

Tesoro Refining and Marketing Company 2015 Refinery Strike

Represented Tesoro in connection with all legal matters growing out of a United Steelworkers (USW) strike at Tesoro's refinery in Anacortes, Washington.

The Evangelical Lutheran Good Samaritan Society Wrongful Death Suit

Case No. 4:11 cv-00059-MHW | Idaho

Defended Good Samaritan against a lawsuit by a surviving son for the wrongful death of his mother, alleging negligent care.

Uei v. Kenai Peninsula Borough

Case No. 3KN-11-278 CI

Defended the Borough and several of its employees in a lawsuit alleging inadequate supervision and negligent hire in the context of an altercation and alleged injury at a Borough operated athletic facility.

Union Square Partnership, Inc. v. Savitri Durkee*

Represented Savitri Durkee in copyright infringement suit by Union Square Partnership. Counterclaimed and sought declaration of non-infringement of trademark, declaratory and injunctive relief under the Anti-cybersquatting Consumer Protection Act, 15 U.S.C. 114(2)(D)(v), and violation of New York Anti-SLAPP Act, N.Y. Civil Rights Law 70-a, 76-a.). Favorable settlement.

United States of America v. Linnton Plywood Association

Case No. 3:14-cv-01772-MO | U.S. District Court, District of Oregon

Representing Linnton Plywood in regards to potential liability for releases into Portland Harbor, as well as in negotiating a prospective purchaser agreement with the prospective purchaser, regulatory agencies, and other liable parties.

UnitedHealthcare Insurance Co. Self-Insured Employee Health Plan Arbitration

Represented a healthcare insurer against an arbitration demand filed by a petitioner hospital requesting payment of amounts allegedly owed under an in-network provider contract with our client.

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.

Washington Federal Savings Loan Association v. McNaughton

Case No. 325 P.3d 383 | Washington Court of Appeals

Represented lender in a case where Division I of the Washington Court of Appeals strengthened the ability of a real estate-secured lender to cost-effectively obtain a deficiency judgment against a commercial guarantor.

Washington Federal v. Harvey

Case No. 340 P.3d 335 | Washington Supreme Court

Represented lender in a case where the Washington Supreme Court upheld the right of a lender to obtain a deficiency judgment against a commercial guarantor even if the foreclosed deed of trust also secured the guarantors' guarantees.

Viacom International Inc. et al. v. YouTube, Inc. et al.*

Successfully represented YouTube, Inc. in copyright infringement suit by Viacom and related action by class plaintiffs.

Walleri v. Tanana Chiefs Conference, Inc.

Case No. 4FA-11-00981 CI | Alaska

Defended Tanana Chiefs Conference against alleged wrongful termination and breach of contract claims by former in-house counsel.

Washington Health Care Association, et al. v. Dreyfus, et al.

Case No. CV09-5395-RBL | U.S. District Court, Western District of Washington

Represented the Washington Health Care Association (WHCA) and a number of Washington skilled nursing homes in a federal lawsuit which challenged the validity of a cut in Medicare reimbursement rates.

Weyerhaeuser v. Department of Revenue

Case No. 980749 | Oregon Tax Court

Oregon income tax, settlement, substantial tax refund.

Woodford v. Tesoro Companies, Inc.

Case No. 3:11-cv-000444-TMB | U.S. District Court, District of Alaska

Defended employer against claims of wrongful termination, gender discrimination and retaliation.

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.

Electrical Equipment Manufacturer Product Liability Claim

Successfully represented an electronic equipment manufacturer in product liability and toxic tort litigation.

Zidell Explorations, Inc., v. Conval International, Limited

Case No. 719 F.2d 1465 | U.S. Court of Appeals, Ninth Circuit

Counsel for defendant in suit claiming antitrust and breach of contract in violation of Sherman Antitrust Act. Plaintiff verdict settled on appeal.

Newcomb v. Electrolux

Whatcom County Superior Court

Defended manufacturer (product liability/traumatic amputation).

Richardson v. White Consolidated

Thurston County Superior Court
Products liability/wrongful death.

Department of Trans. v. Southern Pacific Transp. Co.

Case No. 89 Or App 344, 749 P2d 1233

Counsel for defendant property owner in the leading Oregon decision on valuation of transportation corridors. (rev denied 305 Or 671)

Pacific Whale Foundation v. Alcoa, et al.

U.S. District Court, Western District of Washington
Prosecuted defective vessel construction.

In re FV PACESETTER

U.S. District Court, Western District of Washington
Limitation action/loss of all hands wrongful death claims.

In re Zielinski

Obtained dismissal of appeal from involuntary discharge brought by disgruntled and highly disruptive assisted living resident.

Red Shield Insurance Co. v. Sears, Roebuck, and Co.

Obtained defense verdict absolving defendant of all liability in lawsuit alleging product defects in a commercial dryer.

Farmers Ins. Co. of Wash. v. Electrolux Home Products, Inc.

Obtained defense verdict absolving defendants of all liability in lawsuit alleging product defects in consumer range.

Grant v. First Horizon

Lead attorney for briefing and oral argument in successful defense of appealed summary judgment order dismissing wrongful foreclosure claim — the case involved complex appellate procedure questions as well as more typical wrongful foreclosure issues).

In re Georgian Rehab, LLC

Successfully lifted certificate of need Medicaid condition on relocation of nursing home beds

Anderson v. Shrock

Stevens County Superior Court

Obtained summary judgment dismissal of claim by former owner of property asserting that life estate precluded non-judicial foreclosure.

Guethlein v. Bank of America

U.S. District Court, Western District of Washington

Obtained summary judgment dismissal of claim to unwind trustee's sale of residential property.

Ortega v. Northwest Trustee Services

Obtained dismissal of wrongful foreclosure lawsuit including affirmance of trial court decision before Court of Appeals.

Everett 4 Corners, LLC v. Kmart Corporation

U.S. District Court, Western District of Washington

Represented landlord in three day federal court bench trial and obtained judgment against tenant for unpaid maintenance expenses, attorney fees and costs.

Trujillo v. Northwest Trustee Services, Inc.

King County Superior Court

Obtained summary judgment dismissal of post-sale "wrongful foreclosure" lawsuit filed against banking client.

Sullivan v. Harris

King County Superior Court

Obtained summary judgment in favor of employer in personal injury lawsuit alleging negligent driving by employee.

Lori Mackey v. Home Depot USA, Inc.

Clark County Superior Court | Washington

Obtained dismissal of disability and retaliation wrongful discharge claims on behalf of Home Depot.

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.

Bennett v. Maloney et al.

Case No. 86-2-08163-1 | King County Superior Court

Defended attorney who served as escrow agent in financing of condominium development. Plaintiff, the Masonic Lodge of Washington, sought \$250,000 plus attorney fees based on state securities act and other grounds. Prevailed in jury trial, then appealed the lower court's order overruling the jury verdict, prevailed on appeal dismissing all claims.

Buskey v. Morgan Stanley Dean Witter

Led team of attorneys in several law firms defending broker-dealer in Boise, Idaho state court case. Plaintiffs alleged unsuitable recommendations and churning, and sought over \$1 million in "well-managed portfolio compensation" plus punitive damages. After successful summary judgment motions dismissing almost all claims, plaintiffs settled for \$15,000.

Convertpac Non-compete and Trade Secret Matter

Filed declaratory judgment action to relieve purchaser of paper products business from covenant not to compete and common law trade secrets obligations arising from aborted purchase. Conducted bench trial and secured relief from covenant well beyond settlement offers.

Dean Witter Reynolds Inc. Employment Suit

Defended brokerage firm, local branch manager and chief in-house attorney for Western Region in \$2 million arbitration for constructive discharge, defamation and race discrimination. Obtained no liability dismissal at industry arbitration hearing.

Edward D. Jones & Co. v. Alan Lawrence

Case No. 2:14-01406- JLR | U.S. District Court, Western District of Washington

Obtained dismissal of TRO motion against financial advisors who had transferred to new firm and “announced their new employment” instead of soliciting in violation of employment contract provisions and the trade secrets act, then settled.

Neves v. WaMu Investments Inc.

Case No. 08-0450 | FINRA

Obtained dismissal of securities broker-dealer in customer arbitration alleging out of pocket losses over \$1 million and consequential damages over \$3 million based on unsuitable recommendations.

Microprobe Founder Employment and Intellectual Property Matter

Worked out mutually satisfactory termination agreement separating out intellectual property of client, a founder of Microprobe, from that of former business.

Lincoln Life Non-compete and Trade Secrets Suit

Represented annuities issuer preliminarily enjoining former securities broker/insurance agent (who had no non-competition covenant in agency agreement) from competing unfairly, misleading customers and misappropriating trade secrets; dismissed \$5 million sex discrimination counterclaims at hearing.

Lewandowski v. Loring Ward, Pershing, FSC Securities and Terwedo

Case No. 09-04075 | FINRA

Appeared for investment adviser and clearing broker and induced counsel for claimant to dismiss those parties with prejudice.

Thacker v. Dean Witter Reynolds Inc.

Case No. C91-962D | U.S. District Court, Western District of Washington | Seattle, Washington

Defended brokerage firm and local account executive in suitability case alleging federal and state securities act violations, RICO and other statutory and commonlaw liability. Procured dismissal of RICO claims on summary judgment and favorable settlement.

Wade Cook v. Quantum Vision

Opposed and defeated TRO and preliminary injunction motions brought by Wade Cook Seminars against former Wade Cook speakers, employees and competing seminar firms. Prevailed on the merits with small liability award in arbitration.

In Re Nordstrom Securities Litigation

Case No. C90-295C | U.S. District Court, Western District of Washington

Defended Nordstrom in shareholder class action fraud on the market lawsuit alleging federal and state securities fraud and other statutory and common law liability. Deposed a number of retail securities analysts to develop "information on the market" defense, leading to favorable settlement.

McGrath, et al. v. Sentra Securities Corporation, et al.

Case No. C87-475WD | U.S. District Court, Western District of Washington

Defended brokerage firm in \$2.5 million federal court lawsuit brought by about 30 plaintiffs alleging federal and state securities, RICO and other statutory and common law liability. Obtained dismissal when case was combined into MDL class actions.

In re WPPSS Securities Litigation

Case No. MDL No. 551

Acted as securities litigation strategist on team defending Oregon Public Utility Districts in \$2.2B class action brought by thousands of public utility bond purchasers and procured extremely favorable settlement.

Compana LLC v. Aetna, Inc.

Case No. C05-0277L, 2006 WL 829111 | U.S. District Court, Western District of Washington

Obtained summary judgment dismissal of claims for trademark infringement, unfair competition, anti-dilution, and for the violation of anti-cybersquatting consumer protection act and Washington consumer protection act regarding registration and use of domain name.

Canyons Restaurant Trademark Infringement Suit

Won a preliminary injunction for a local restaurant enjoining trademark infringement by a national chain and resulting in the national chain changing its name in this area.

Heath & Company Trademark Infringement Suit

Secured preliminary injunction in Seattle federal district court for trademark infringement and unfair competition on behalf of national sign company, then obtained favorable settlement of damages claims.

InstruMed, Inc. v. Smith & Nephew Richards Trademark Infringement Case

Secured verdict of willful infringement and unfair competition in federal court jury trial and award of damages, costs and attorney fees.

Callison Architecture Inc. v. Cordax Inc.

Software development and trade secret dispute.

Whistleblower Retaliation Lawsuit

Defended residential care facility employer against former caregiver employee's whistleblower retaliation lawsuit, related to Department of Human Services' investigation of alleged resident abuse. Employee claimed employer retaliated against and terminated employee because employee reported alleged safety and resident abuse violations to the DHS.

Complex Involuntary Discharge — Dangerous Resident

Represented skilled nursing facility in administrative hearing where resident was involuntarily discharged from facility for ongoing dangerous conduct that included death threats against facility's administrator and violent conduct directed at vulnerable residents.

Wrongful Death Civil Lawsuit / DHS Neglect / Abuse Hearing

After defending assisted living community in week-long administrative hearing against Department of Human Services' penalty and finding of abuse related to death of resident, defended same assisted living facility against civil lawsuit wrongful death allegations based on same underlying incident.

Insurance Reimbursement Dispute

Represented national senior living and long term care owners against claim processing contractor related to processor's negligent and untimely claims processing and unpaid claims.

Law Enforcement and Nursing Board Investigation Related to Resident's Death

Represented skilled nursing facility and its nurse related to law enforcement and Nursing Board investigation of complaint of alleged crime related to the death of a skilled nursing facility resident.

Anderson v. Aurotek, Inc.

Case No. 774 F.2d 927 | U.S. Court of Appeals, Ninth Circuit

Prosecuted securities fraud and related claims in gold mining tax shelter against promoters and affiliated professionals. Obtained \$500,000 summary judgment for plaintiffs. Summary judgment was affirmed as to some and reversed as to other defendants on appeal, then settled.

Arth v. Auravision

Case No. 86-2-01317-8 | Pierce County Superior Court

Defended accountant in two state court suits involving a master recording tax shelter. The case involved 15 plaintiffs alleging damages of around \$1 million plus attorney fees. Obtained no liability voluntary dismissal with prejudice of multiple-plaintiff case.

Glenham v. Palzer

Case No. C87-849WD | U.S. District Court, Western District of Washington

Obtained summary judgment for attorney who acted as escrow agent for mortgage broker in racketeering case predicated on federal securities fraud in which approximately 30 plaintiffs sought damages of \$1.5 million (trebled under RICO to \$4.5 million).

First Union Non-compete and Trade Secrets Suit

Defended recruiting firm and brokers in three cases brought by recruits' former employer who alleged breach of non-compete and trade secrets misappropriation. Defeated injunctions and obtained small liability awards at arbitrations.

Winchester Gold Corporation, et al. v. American Mining Co., et al.

Case No. 88-202289-0 | Spokane County District Court

Defended corporate managing partner, directors, and officers of limited partnership comprised of public mining companies in \$2.5 million suit in Spokane. Developed and filed counterclaims, and case settled.

Morgan Stanley Dean Witter Discrimination Claims

Obtained dismissal of discrimination claims against firm and branch manager before hearing and no-liability dismissal of remaining claims after hearing; and no forum fees were allocated to firm.

NYSE Arca Equities, Inc. Complaint

Served as co-counsel to NYSE Arca's primary outside counsel, Milbank Tweed in matter dismissed on motion in which plaintiff alleged damages resulting from payments it made to reimburse customers who claimed to have lost money on trades induced by a stock price that was allegedly — but never actually — reported on the NYSE Arca electronic exchange and was far below the usual trading range for that stock.

Hollinger v. Titan Capital Corp.

Case No. 914 F.2d 1564 | U.S. Court of Appeals, Ninth Circuit

Defended brokerage firm in federal court lawsuit in Seattle alleging federal and state securities fraud and other state common law and statutory liability. Obtained summary judgment dismissal of claims against client brokerage firm, notwithstanding that rep had defalcated plaintiffs' funds. Defended appeal of national interest when Ninth Circuit altered controlling person liability test, then settled on remand.

Edward D. Jones & Co. L.P. v. Mark Anderson

Case No. 12-2-34362-4 SEA | King County Superior Court

Obtained dismissal of TRO motion against financial advisor who had transferred to new firm and "announced his new employment" instead of soliciting in violation of employment contract provisions and the trade secrets act, then procured highly favorable settlement.

Wade Cook v. Tony Robbins

Defended Robbins Research, Inc. and Tony Robbins in infringement and trade secrets case in state court in Washington brought by Wade Cook Seminars. Case settled favorably.

Getty v. Harmon

Case No. C98-178WD | U.S. District Court, Western District of Washington

Defend stockbroker/insurance salesman in federal court class action in Seattle under the PSLRA, and served as special securities defense counsel in parallel grand jury proceedings. Overcame class damage theories to spark a settlement highly satisfactory to client and his insurance carrier.

Bostwick Laboratories v. Cortex Medical Management Systems

Multiple claims related to software systems designed for pathology laboratories.

Shell v. Lindal Cedar Homes

Won an arbitration award and judgment for copyright infringement for architectural works against a leading manufacturer of homes.

In re Nichols Bros. Boat Builders

Case No. 07-15522 | U.S. Bankruptcy Court, Western District of Washington

Represented purchaser of partially completed commercial vessel.

Rosie O'Donnell v. Entercom Portland

Defense of trademark infringement and dilution and right of publicity claims and pursuit of antitrust and unclean hands affirmative defenses.

Ransomware Attack

Represented skilled nursing facility with respect to a ransomware incident, including investigation of incident, HIPAA breach analysis and notice issues, and appropriate mitigation and response issues.

Cowen v. Alaska State Commission for Human Rights and Big Box Retailer

Defended retailer against claims of alleged disability discrimination in employment

Flory v. Big Box Retailer

Defended employer in alleged employment disability discrimination suit

Hoffman v. Big Box Retailer

Defended employer against alleged sex and disability discrimination claims

Jenkins v. Big Box Retailer

Defended retailer against alleged disability discrimination in employment claims

Johnson v. Big Box Retailer

Defended employer against claims of alleged sex discrimination, harassment, retaliation, failure to accommodate and wrongful termination

McDowell v. Big Box Retailer

Defended retailer against claims of alleged disability discrimination/failure to accommodate.

Olson v. Big Box Retailer

Defended retailer against alleged gender discrimination in employment claims

Watkins v. Big Box Retailer

Defended employer in alleged gender discrimination and wrongful termination suit

Zurek v. Big Box Retailer

Defended retailer against alleged national origin and gender discrimination in employment claims

State of Washington v. LG Electronics, Inc. et al

Case No. 12-2-15842-8 | King County Superior Court

Represented Korean CRT manufacturer and subsidiaries in alleged price fixing suit brought by antitrust section of Washington Attorney General's Office on behalf of the state and as a *parens patriae* on behalf of Washington consumers.

State of Washington v. AU Optronics Corp. et al

Case No. 10-2-21964-4 | King County Superior Court | Seattle, Washington

Represented Korean LCD manufacturer and subsidiaries in alleged price fixing suit brought by antitrust section of Washington Attorney General's Office on behalf of the state and as a *parens patriae* on behalf of Washington consumers.

Bloemhard v. Big Box Retailer

Defended employer against alleged sexual harassment and retaliation claims

Carlson v. City of Spokane*

U.S. District Court, Eastern District of Washington

Federal jury trial of an employment discrimination matter. The defendant was accused of wrongfully terminating an employee with a disability. The jury returned a verdict for far less than the amount in controversy.

Walker v. Sherman*

King County Superior Court

Bench trial of a wage and hour of employment contract case. The court decided the case in favor of Jackson's client.

Pikington v. Whitworth Water Dist. No. 2*

Spokane County Superior Court

Defense verdict in a jury trial of a premises liability matter. Client was accused of failing to discover a missing street valve box lid that caused injury to the plaintiffs.

Messenger v. Maden*

Spokane County District Court

Jury trial of an admitted liability transportation law matter. The plaintiff claimed she was severely injured as a result of the collision and sought excessive damages at trial. The jury returned a verdict awarding far less than the amount requested by the plaintiff prior to the commencement of trial.

Ferrante v. Castle*

Spokane County Superior Court

Jury trial of an admitted liability transportation law matter. The plaintiff claimed that a low speed impact caused him to suffer from debilitating vertigo and other personal injuries.

Oliver v. Spokane County Fire Dist. 9*

U.S. District Court, Eastern District of Washington

Obtained summary judgment dismissal in favor of a fire district in an employment law matter.

Moon v. City of Bellevue *

King County Superior Court

Participated in obtaining summary judgement dismissal in favor of a police department in an employment law matter.

Abel, et al., v. City of Algona*

U.S. District Court, Western District of Washington

Participated in obtaining summary judgment dismissal in favor of a police department in a multi-plaintiff employment law matter.

Woods v. Attorney*

King County Superior Court

Obtained summary judgment dismissal of legal malpractice claims filed against the defendant.

Health Insurance Payor Arbitration

Defended a Health Insurance Payor in arbitration regarding payment rates

Henry G. Luken III v. Christensen Group Incorporated, et al.

Successfully resolved a complex commercial dispute on behalf of a ship building business investor.

California Based National Lender Mortgage Litigation

Assisted a California based national lender in setting aside a \$750,000 default judgment levied against it.

Fu v. Wanda Sports Group Company, LTD

We represented Morgan Stanley, Deutsche Bank Securities and Citigroup Global Markets as local counsel in the federal court suit.

In re Cedar Shake and Shingle Antitrust Litigation (W.D. Wash.)

Case No. 2:19-cv-00288-MJP | U.S. District Court, Western District of Washington

Achieved a victory on a motion to dismiss.

In re Cedar Shake and Shingle Antitrust Litigation

Case No. C19-288-MJP | U.S. District Court, Western District of Washington

Obtained dismissal on behalf of Cedar Shake and Shingle Bureau (CSSB) in consolidated putative class action alleging antitrust price fixing conspiracy among CSSB and its manufacturer-members.

Lendingtree, LLC v. Washington Department of Revenue

Case No. 460 P.3d 640 (Wash. Ct. App. 2020)

Represented taxpayer on appeal to obtain refund of business & occupation tax improperly assessed on taxpayer's online loan marketplace by Department of Revenue.

City of Seattle v. KMS Financial Services, Inc.

Case No. 459 P.3d 359 (Wash. Ct. App. 2020)

Represented taxpayer on appeal to obtain refund of business & occupation tax unconstitutionally apportioned by the City of Seattle on taxpayer's out-of-state and out-of-city activities.

Kunath v. City of Seattle

Case No. 444 P.3d 1235 (Wash. Ct. App. 2019)

Represented taxpayer citizens on appeal in successful action to enjoin enforcement of city ordinance that imposed a graduated income tax on high-income residents of the City of Seattle.

Intellectual Property Litigation**Heart, LLC v. Heart Pizza, LLC**

Representing award-winning coffee chain enforcing its trademark rights against infringing chain of pizza restaurants that established its flagship restaurant less than two blocks away from one of our client's primary cafés.

Reported Employment Related Appellate Decisions**Brooks v. Big Box Retailer**

Case No. OAH No. 11-0206-HRC, ASCHR No. J-08-0069 | Alaska State Commission for Human Rights

Defended big box retailer against a race discrimination claim prosecuted by the Alaska State Commission on Human Rights (ASCHR), prevailing in an administrative hearing before an Alaska Administrative Law Judge, a decision affirmed by the ASCHR.

** Denotes experience at a previous firm*