

## Litigation

Disputes arise from sources ranging from internal matters, such as employee or whistleblower claims, to external matters, such as contract disputes, government investigations or protecting intellectual property. Foster Garvey's Litigation team works with clients to assess their needs and objectives at the outset of a dispute. We explore creative resolution options ranging from immediate injunctive relief to trial or arbitration and are constantly seeking out resolutions consistent with our client's objectives.

We are proud to be consistently recognized by our clients and peers as a leading commercial litigation practice, named to the annual *U.S. News – Best Lawyers* "Best Law Firms" list and recognized in *Chambers USA*. Our team of more than 60 litigation attorneys offers substantial experience in resolving disputes in virtually all state and federal courts; federal, state and administrative proceedings; and arbitrations and mediations under alternative dispute resolution procedures.

Foster Garvey attorneys provide litigation and dispute resolution services across virtually all industries served by our firm. The depth of our experience in litigation and dispute resolution allows us to help clients make informed decisions about litigation costs, including the use of alternative fee arrangements and detailed budgets that provide value and predictability for their legal fees.

### Alternative Dispute Resolution

Foster Garvey's Litigation team recognizes that it is often disruptive and expensive for clients to go to trial and that many lawsuits are resolved before then. Our Alternative Dispute Resolution attorneys offer a broad base of legal talent skilled in resolving disputes outside the courtroom through mediation and arbitration. Learn more about our [Alternative Dispute Resolution experience](#).

### Antitrust & Consumer Protection

The [Antitrust & Consumer Protection](#) attorneys advise manufacturers, retailers, distributors and other businesses in

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### Related Professionals

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Matthew Kelly  
Daniel L. Keppler  
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navigating the landscape of business competition, as well as complying with both domestic and foreign antitrust and trade regulations laws.

### **Appellate**

Foster Garvey's litigators have decades of experience challenging erroneous court decisions – and defending correct ones – in state and federal appellate courts across our country, ranging from state and federal appeals to the Washington and U.S. Supreme Courts. Foster Garvey frequently appears before the Washington Supreme Court in high profile civil cases involving the constitutionality or interpretation of legislation, the expansion or restriction of contract and common law rules, business and financial disputes, or the scope of governmental powers.

### **Class Action Defense**

Foster Garvey's [Class Action Defense](#) team has extensive experience in the defense of class actions and we know how to manage complex class actions in an efficient manner. Our work includes the representative of a variety of clients including retailers, manufacturers, distributors, telecommunications companies, biotechnology companies, software developers and manufacturers, franchises, financial services organizations, real estate companies, health care providers and governmental entities.

### **Condemnation & Eminent Domain**

Through its litigation, municipal government, land use, and real estate disciplines, Foster Garvey has developed the resources to manage property acquisitions or condemnation proceedings, from large to small. We have both prosecuted and defended inverse condemnation cases, including actions relating to property taking through regulation or failure to issue land use permits, as well as noise and odor complaints. Learn more about our [Eminent Domain & Inverse Condemnation experience](#).

### **Construction**

Foster Garvey's [Construction](#) attorneys have a long history of resolving construction-related disputes including construction defect claims, design claims, lien claims, contract and change order claims, delay claims, warranty claims and public bid disputes. Our lawyers resolve disputes, whenever possible, with

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Kinnon W. Williams  
Adrian Urquhart Winder  
Matthew J. Yium  
Jack Zahner  
Yeli Zhou  
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### **Areas Of Focus**

Alternative Dispute Resolution  
Antitrust & Consumer Protection  
Appellate  
Class Action Litigation  
Eminent Domain & Inverse Condemnation  
Environmental Litigation  
Health Care Litigation  
Intellectual Property Litigation

alternative dispute resolution methods, such as mediation, arbitration, mini-trials, or other creative problem-solving methods short of formal litigation. We also have lawyers experienced in handling complex construction matters to a successful conclusion before a judge or jury.

#### **Constitutional Law & Statutory Rights**

Foster Garvey litigators work in conjunction with our [Election and Political Law, Public Policy & Lobbying](#) attorneys to address issues including constitutional claims, election disputes, ballot title challenges and litigation over the enforcement or validity of statutes and initiatives. Additionally, we have substantial experience advising candidates, election officials, organizations, and members of the public on election law, including ballot access and integrity provisions of federal law.

#### **Creditors' Rights & Bankruptcy**

The [Creditors' Rights & Bankruptcy](#) practice at Foster Garvey is one of the strongest in the Pacific Northwest with skilled attorneys who dedicate their entire practice to this area of the law. We successfully represent corporations and individuals in a number of different industries including banking, manufacturing, timber, fishing, real estate and retail. We have extensive experience in proceedings in U.S. Bankruptcy Court and in receivership proceedings in state or federal courts.

#### **Electronically Stored Information Squad (ESI)**

Electronic discovery is now a reality in virtually every disputed matter. Foster Garvey's Electronically Stored Information Squad (ESI) helps businesses, public agencies and individuals effectively manage this critical component of dispute resolution efficiently and to avoid unnecessary discovery costs.

We have represented all sizes of companies, from Fortune 500 to small businesses and individuals and recognize that the most expensive and highest technology solution may not be necessary for every client's needs and litigation strategies. We advise clients on document retention policies and use multiple electronic data recovery and management tools to cost-effectively tackle the production and preservation of electronic documents.

Labor & Employment  
Litigation  
Patent Litigation  
Securities Litigation &  
Enforcement  
White-Collar Defense &  
Investigations

#### **Related Services**

Artificial Intelligence  
Business & Corporate  
Finance  
Construction  
Family-Owned & Closely  
Held Businesses  
Financial Services  
Food & Beverage  
Health Care  
Investment Management  
Labor, Employment &  
Immigration  
Land Use, Planning &  
Zoning  
Privacy, Cybersecurity &  
Data Protection  
Tax  
Transportation & Logistics  
Trusts & Estates Litigation

The ESI Squad is regularly called upon in litigation, as well as investigation, compliance and general business matters and includes lawyers, paralegals and information technology specialists.

### **Emergency Injunction Team**

When the stakes are high and every minute counts, Foster Garvey's Emergency Injunction attorneys can lead the way. Experience matters in choosing the appropriate forum in federal or state court, in effectively marshaling and presenting key evidence and in navigating the particular requirements and procedures of courts in different jurisdictions. Our depth and breadth of experience enables us to anticipate and overcome the challenges presented in these fast-moving proceedings. Whether you are seeking to prevent disclosure of trade secrets, stop infringement of your patent, copyright or trademark rights, protect security interests or other property rights or are facing a temporary restraining order or an injunction claim, our experience can make the difference.

### **Labor & Employment Litigation**

Thoughtful planning and foresight can reduce but not totally eliminate an employer's exposure to employment-related disputes and claims. When claims (whether individual or class action) are made or lawsuits filed, effective advocacy is essential. Our [Labor & Employment Litigation](#) attorneys have extensive experience successfully defending virtually every kind of employment and labor claims before administrative and governmental bodies, arbitration proceedings and in federal or state courts.

### **Environmental Litigation**

Foster Garvey's [Environmental Litigation](#) attorneys handle all aspects of environmental law and regulations and have a wealth of litigation experience, from trials in state and federal courts to contested hearings before administrative agencies. Our work includes deep experience in air quality, brownfields and contaminated property, ESA, environmental enforcement and citizen-suit actions, environmental insurance litigation, hazardous waste and cleanup, SEPA/NEPA, environmental impact and land use, solid waste, water quality, water rights and more.

### **Financial Institutions Litigation**

Foster Garvey attorneys restructure commercial and agricultural credits and work in all aspects of foreclosure and bankruptcy law including loan workouts, restructuring, collections, foreclosures, receiverships and bankruptcy. Many of our clients have acquired institutions that have substantial portfolios of delinquent or troubled loans, and we have assisted them with due diligence reviews of troubled loan portfolios and large-scale workouts following an acquisition. Additionally, we assist clients in connection with white-collar defense and investigations.

### **Health Care Litigation**

Foster Garvey assists clients with the full spectrum of health care disputes and litigation including: Certificate of Need appeals, payment disputes, billing and reimbursement actions,

fraud and abuse self-disclosure and defense, government investigations, qui tam False Claims Act litigation, HIPAA and HITECH enforcement actions, commercial and contract disputes, licensing actions, medical staffing matters, employment discrimination and wrongful termination actions, and labor disputes. Learn more about our [Health Care Litigation experience](#).

### **Insurance Coverage**

Foster Garvey's [Insurance Coverage](#) team focuses on solving insurance coverage problems for policyholders. We vigorously pursue the maximum possible coverage and zealously advocate for the broadest possible application of insurance law and interpretation of coverage provisions. We regularly litigate bad faith and statutory claims against insurers engaged in bad faith coverage assessments or claims handling.

### **Intellectual Property**

The Foster Garvey's [Intellectual Property Litigation](#) team develops and executes effective strategies in IP disputes, including patent, copyright, trademark, licensing and trade secret matters. Our representation of both plaintiffs and defendants better positions us to accomplish favorable outcomes for our clients.

### **Investment Management**

Foster Garvey's [Investment Management](#) practice advises institutional investors, including public pension funds, universities and endowments, and provides sophisticated and efficient counsel to clients on a broad range of alternative investment transactions. Our attorneys have successfully handled numerous dispute and litigation matters in connection with alleged breaches of contract or fiduciary duty, defense of clawback actions, insurance coverage claims, real estate and securities lending.

### **Land Use Litigation**

Our [Land Use, Planning & Zoning](#) lawyers represent clients in contested administrative appeals before hearing examiners, city and county councils, and state administrative boards, and have handled appeals at all levels of state and federal courts. We are experienced in securing permit approvals, challenges to private and public projects and work extensively with our clients in settlement negotiation, mediation, arbitration and other forms of alternative dispute resolution.

### **Patent Office Litigation**

Foster Garvey's intellectual property practice includes skilled patent litigators who have significant experience in post-grant procedures and *inter partes* review as well as covered business method post-grant review, ex parte and *inter partes* reexaminations. Foster Garvey's creative approach to these [Patent Office](#) matters has led to an unrivaled track record of success.

### **Privacy, Cybersecurity & Data Protection**

Foster Garvey regularly advises businesses and individuals on legal issues relating to privacy, cybersecurity and data protection, and information management. We have the skills, knowledge and experience to help you address these privacy and cybersecurity issues in a practical manner in prevention counseling and in the context of individual and class action claims. Learn more about our [Privacy, Cybersecurity & Data Protection experience](#).

### **Public Records & Open Government**

Foster Garvey's [Public Records & Open Government](#) team has direct experience working with the public records and disclosure obligations of nearly every type of public entity, including cities, counties, school districts, public utility districts, port districts, public hospital districts, and housing authorities. Our experience includes assisting with drafting or responding to public records updating entities' policies and procedures, providing training to help assure an entity's compliance with current legal requirements, including one-on-one training for its public records officer or a half-day session for the entity's staff, and offering litigation services to defend public records request responses or prosecute requests in the applicable regulatory or court proceedings; and, litigation support for private interests to protect from disclosure confidential or proprietary information.

### **Real Estate Litigation**

Foster Garvey maintains a cross-disciplinary real estate litigation practice to address aspects of virtually every dispute in this area. Our team members are drawn from the litigation, creditors' rights and bankruptcy, financial institutions, land use, environmental, and municipal practices.

### **Securities Litigation**

Foster Garvey has extensive experience litigating securities claims, both in court and in arbitration. We have represented numerous publicly traded companies, private corporations, governmental entities, directors and officers, and other individuals on claims raised by shareholders and investors. The firm also has experience representing broker-dealers and registered representatives in arbitration proceedings before FINRA (formerly the NASD), the NYSE, and the American Arbitration Association, as well as experience representing individuals, auditors, and corporations in disciplinary and regulatory proceedings before the SEC, FINRA, and the CBOE.

### **White-Collar Defense & Investigations**

The firm's [White-Collar Defense & Investigations](#) practice represents business entities and individuals in trial and appellate courts against a variety of federal and state prosecutions. We represent business directors, chief executives, and other officers in matters including financial matters, bank fraud, healthcare fraud, environmental offenses, and other criminal and civil enforcement proceedings.

**Blog Posts**

How to Avoid Litigation in Uncertain Times  
*Cannabis Business Blog*, 2.22.18

The Art of FCPA Compliance in China  
*Cross Border Business Law Blog*, 1.26.17