FOSTER PEPPER PLLC

Litigation

Foster Pepper litigators focus on understanding their clients, their business and mission, and their objectives in addressing particular disputes. Lawyers resolve disputes before administrative tribunals, political boards, and trial and appellate courts in the state and federal systems throughout the Pacific Northwest and beyond.

Foster Pepper litigators work with clients to assess their needs at the outset of a new case, exploring possible settlement or alternative dispute resolution, developing strategies for discovery and trial, and preparing a detailed budget when appropriate. Consistent with this client-contact approach, they use technology to manage discovery costs and to ensure they are easily accessible and provide clients access to case documents and status with tools like the client-and-matter specific extranets.

Attorneys

Ahearne, Thomas F.	Seattle
Bull, Samuel T.	Seattle
Clark, Gregory A.V.	Seattle
Dial, Neil Armstrong	Seattle
DiJulio, P. Stephen	Seattle
Donovan, Jason R.	Seattle
Emch, Christopher G.	Seattle
Filer, Tim J.	Seattle
Frank, Jeffrey G.	Seattle
Guedel, W. Gregory	Seattle
Hoff, Bradley W.	Seattle
Larson, Jeremy (Jake) R.	Seattle
Nelson, John R.	Spokane
Rowland, Milton	Spokane
Zahner, John (Jack) P.	Seattle

Experience

Halverson v. Skagit County

Foster Pepper served as consultant for Skagit County in a class action lawsuit seeking recovery for damages caused by flooding in Skagit Valley based on inverse condemnation and tort theories. Class certification was denied and Skagit County prevailed on the merits.

Orion Corp. v. State of Washington and Skagit County

Foster Pepper served as consultant for Skagit County in a lawsuit seeking recovery of damages caused by restrictions on the use of tidelands in Padilla Bay based on inverse condemnation theory. Washington Supreme Court held that State was obligated to indemnify County for any inverse condemnation liability, 109 Wn.2d 621, 747 P.2d 621, 747 P.2d 1062 (1987).

Duesenberg v. City of Bellevue

Served as counsel for City of Bellevue; inverse condemnation claim based on wetland regulation dismissed King County Superior Court.

Clear Channel Communications v. Seattle Monorail Project

Inverse condemnation challenge regarding the Seattle Monorail Project's request that Clear Channel remove a billboard from property the SMP had acquired. We successfully defeated Clear Channel's claim on both procedural grounds (failure to give notice of the claim before filing suit) and substantive grounds.

Price v. City of Bremerton, et al.

Lead counsel in successful defense of the City of Bremerton against a toxic tort claim that discharges from the City's Combined Sewer Overflows ("CSOs") prevented the plaintiff from harvesting shellfish from several properties in Puget Sound. Tried the case in U.S. District Court and the City was absolved of all liability. Argued the appeal to the Ninth Circuit, which affirmed.

Third Runway Litigation

Foster Pepper successfully represented the Port of Seattle in multiple administrative hearings and court proceedings on permits and approvals for the Third Runway project. This involved cases in the state Pollution Control Hearings Board, Growth Management Hearings Board, state Superior Court, state Court of Appeals, state Supreme Court, federal District Court, and 9th Circuit. Some of these cases are highlighted below.

City of Des Moines et al. v. Port of Seattle et al

Counsel for the Port of Seattle defending the following decisions in the state court system beginning with the trial court proceeding before Judge Robert Alsdorf in King County Superior Court: Port Commissioner decision approving the Master Plan Update including construction of the Third Runway; the Growth Management Hearings Board determination that the City of Des Moines comprehensive plan does not comply with the state Growth Management Act; upholding the joint NEPA/SEPA EIS on the Master Plan Update and Third Runway project; and other related permit and approval decisions.