

Jason R. Donovan

MEMBER



SEATTLE

T 206.749.7269

F 206.749.1944

j.donovan@foster.com

SERVICES

Litigation & Dispute Resolution

Construction

Insurance Coverage (Chair)

Retail & Consumer Products

Transportation

PRACTICE OVERVIEW

Jay has been a member of the firm's Litigation & Dispute Resolution and Insurance Coverage practices since 2008 and focuses on representing policyholders in insurance coverage and bad faith disputes involving commercial general liability, directors and officers liability, employment practices liability and professional services liability. In addition to his insurance coverage work, Jay has extensive experience handling various commercial matters, including the representation of transportation brokers in insurance, discrimination, contractual and other claims.

REPRESENTATIVE WORK

- Awarded summary judgment establishing homeowner's entitlement to insurance coverage for significant water damage after insurer asserted at least eight different reasons for denying coverage in serial fashion over a two-year period.
- Effectively had opposing counsel disqualified from serving as trial counsel in bad faith lawsuit stemming from opposing counsel's wrongful investigation, evaluation, and handling of client's insurance claim.
- Successfully procured insurance coverage for copyright infringement claims after insurer wrongfully refused to defend client.
- Obtained jury verdict against insurer for bad faith and Insurance Fair Conduct Act violations.
- Obtained Insurance Fair Conduct Act, bad faith and estoppel rulings in Federal Court against subcontractor's insurer for refusing to defend general contractor as an additional insured.
- Recovered more than \$2,500,000 for general contractor as additional insured under policies issued to subcontractors.
- Recovered policy limits, bad faith damages and all attorneys' fees from title insurer for property defects on clients' property.
- Successfully obtained employee embezzlement / fraud coverage for two local non-profits.
- Successfully defended non-profit against discrimination claims.
- Regularly advises and litigates insurance, contractual, and employment disputes on behalf of non-profit transportation brokers.

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ACTIVITIES

- American Bar Association, Member
- Federal Bar Association, Member
- Washington State Bar Association
- Illinois State Bar Association
- Wisconsin State Bar Association
- King County Bar Association
- Bailey-Boushay House, Board Member, 2010-2012

PUBLICATIONS

- [“Insurers Can be Liable for Damages Even in the Absence of Coverage,”](#) Author, Foster Pepper News Alert, November 2014
- [“Washington Supreme Court: Insurer’s Communications with Coverage Counsel Now Presumptively Discoverable,”](#) Author, Foster Pepper News Alert, June 2013
- “Case Notes: Insurer’s Communication with Coverage Counsel Found Presumptively Discoverable in Bad Faith Cases,” Author, American Bar Association, Section of Litigation, Insurance Coverage, May 2013
- [“Washington Passes Marriage Equality Act,”](#) Author, Foster Pepper News Alert, February 2012

PRESENTATIONS

- [“Insurer ‘Bad Faith’ Overview,”](#) Speaker, Foster Pepper 2017 Insurance Coverage Legal Update, June 2017
- “Protecting Against Risk,” Speaker, Bidding Public Works and Construction Contracts, The Seminar Group
 - + [May 2016](#)
 - + [March 2016](#)
- [“Real Life Cedell Issues,”](#) Speaker, 2016 Annual Insurance Law Update, Washington Defense Trial Lawyers, April 2016
- “Ongoing Bad Faith When Defense Counsel Acts As Claims Adjuster: *Babai V. Allstate*,” Speaker, WSAJ’s 38th Annual Insurance Law Seminar, January 2016
- “Employment Insurance for Tribes as Employers,” Speaker, Tribal Employment Rights & Law: Sovereignty, Jurisdiction and Best Practices
- “Gather Information Critical to Your Case ,” Speaker, NBI CLE - Bad Faith Insurance Claims
- “Understanding Insurance Coverage ,” Speaker, NBI CLE - Construction Defects Liability
- “Gather Information Critical to Your Case ,” Speaker, NBI CLE - Bad Faith Insurance Claims
- “Representative Matters/Multi-Disciplinary Experience,” Speaker, Foster Pepper Insurance Coverage Group
- “Employment Update - What Do They Need to Know About You? The Invasive and Informative Job Search Process in the Facebook Era,” Speaker, 27th Annual Civil Service Conference

EXPERIENCE

- Foster Pepper PLLC
- Jenner & Block LLP (Chicago, IL)
- Merlo Kanofsky Brinkmeier & Gregg, Ltd. (Chicago, IL)

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BAR ADMISSIONS

- Washington, 2008
- Illinois, 2003
- U.S. District Court
 - + Eastern District of Washington, 2012
 - + Western District of Washington, 2009
 - + Northern District of Illinois, 2004
- 9th Circuit U.S. Court of Appeals, 2011

EDUCATION

- J.D., University of Wisconsin Law School
- B.M., Northwestern University
- Université Paris-Sorbonne, L'Ecole Normale de Musique