



**SEATTLE**

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**SERVICES**

- Litigation & Dispute Resolution
- Antitrust & Consumer Protection
- Business
- Class Action Litigation
- Emergency Injunction Team
- Environmental Litigation
- Financial Institutions
- Health Care
- Municipal Government
- Privacy, Cybersecurity & Data Protection (Chair)
- School Districts
- Tax
- Transportation
- Yachts, Ships & Submersibles

**PRACTICE OVERVIEW**

Chris is a member of the firm’s Litigation & Dispute Resolution practice. He has extensive experience with commercial litigation, health care law, business disputes, cybersecurity law, real estate disputes, railroad and transportation law, securities law, class actions, education law, administrative law, tax appeals, and regulatory proceedings and investigations. Chris is licensed and has litigated in state and federal courts in Washington, Oregon and California. Chris has additional experience prosecuting claims as a Special Assistant Attorney General.

Chris regularly works with hospitals and health care providers on a wide range of matters, including disputes and issues involving contracts, billing and reimbursement, medical staffing, facility construction, quality assurance, pharmacy issues, risk management, information management, patient records and data security. He also regularly represents hospitals and other health care providers at all levels of the Certificate of Need process and in the judicial review phase of planning decisions.

Chris has significant trial, arbitration and mediation experience. For example, he served on the trial team in *McCleary v. State of Washington*, the largest public education funding lawsuit in our state. He was one of the plaintiffs' attorneys representing a coalition of education organizations and individuals in a constitutional challenge to Washington State's underfunding of K-12 education. After a two-month trial, the trial court entered judgment to enforce the State Constitution’s public education clause, which has been affirmed by the Washington State Supreme Court, 173 Wn.2d 477, 269 P.3d 227 (2012).

Chris is active in the local federal bar. He serves as the Co-Chair of the Website and Communications Committee of the Federal Bar Association - Western District of Washington.

## Christopher G. Emch MEMBER

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**REPRESENTATIVE WORK**

- Real Estate Disputes – Multiple representations of national and local clients in real estate and transportation related disputes
- Real Estate Broker Litigation – Defended global real estate services company in multi-million dollar dispute. Obtained dismissal of all claims on summary judgment, and dismissal was affirmed on appeal
- School Funding Litigation – One of the plaintiffs' attorneys representing a coalition of education organizations and individuals in *McCleary v. State*, a constitutional challenge to Washington State's chronic underfunding of K-12 education; after a two-month trial, the trial court entered judgment to enforce the State Constitution's public education clause, which has been affirmed by the Washington State Supreme Court, 173 Wn.2d 477, 269 P.3d 227 (2012); see [www.waschoolexcellence.org](http://www.waschoolexcellence.org)
- Kennewick Public Hospital District Certificate of Need Litigation – Representation of public hospital district in administrative and superior court proceedings regarding approval by the Department of Health's Certificate of Need program of the construction of a new facility critical to providing quality health care to the community
- Healthcare Billing and Reimbursement Litigation – Representation of major medical center in prosecution of claims regarding payment and reimbursement for significant outpatient services and procedures
- Fresenius Medical Care/QualiCenters Kidney Dialysis Litigation – Representation of kidney dialysis provider in administrative and superior court proceedings regarding allocation of new facilities under Department of Health's Certificate of Need program
- Snohomish County Public Hospital District No. 2 Pathology Litigation – Representation of hospital and medical staff personnel in disputes with pathology group regarding clinical and anatomic pathology services
- Reclaim Technologies, Inc. Securities Litigation – Representation of directors and officers of tire recycling company in actions alleging Washington State Securities Act claims, breach of fiduciary duty, corporate waste and minority shareholder oppression
- Tequila Cuervo Domain Name Litigation – Representation of tequila manufacturer in prosecution of a federal trademark action for transfer of domain name under the federal Anti-Cybersquatting Consumer Protection Act
- Charter Communications Securities Litigation – Representation of the chairman and controlling shareholder of a national cable company in consolidated securities class actions, shareholder derivative suits and other parallel proceedings
- Metropolitan Mortgage/Summit Securities Litigation – Representation of directors and officers of a financial services company in multi-jurisdictional securities class actions and related proceedings
- Microtek Consumer Protection Litigation – Defense of computer equipment manufacturer in a putative nationwide class action alleging Consumer Protection Act and contract claims; all claims against the company dismissed with prejudice without discovery
- Safeway Consumer Class Action Litigation – Defense of nationwide salmon labeling consumer class action brought against grocer in King County Superior Court; motion to dismiss granted and case dismissed with prejudice
- CityBank Shareholder Derivative Litigation – Representation of chief operating officer in a shareholder derivative action; case dismissed with prejudice
- Akamai Technologies Stock Option Litigation – Representation of e-business infrastructure services and software company in stock option disputes with former executives from previously acquired companies
- PENSCO Pension Services, Inc. Litigation – Representation of company providing custodial services for self-directed IRAs in securities actions; all cases against client dismissed in pre-arbitration proceedings
- PathoGenesis Corp. Securities Litigation – Representation of a manufacturer of an aerosolized antibiotic for cystic fibrosis patients and its officers/directors in defense of federal class action claims; consolidated class actions dismissed with prejudice; dismissal affirmed by the Ninth Circuit Court of Appeals, 284 F. 3d 1027 (9th Cir. 2002)

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- Pyramid Breweries Inc. Securities Litigation – Defense of multiple class actions arising out of an initial public offering; all cases dismissed without discovery, including the first Post-Reform Act dismissal with prejudice; affirmed by the Ninth Circuit Court of Appeals, 143 F.3d 1293 (1998)
- Costco Rebate Litigation – Representation of wholesale membership club in putative nationwide consumer class action arising from alleged failure to disclose expiration dates of manufacturers’ rebates; case resolved without discovery
- WhizBang! Labs Litigation – Representation of former director in stock dispute and breach of contract action against software technology company
- Alaska Permanent Fund Corporation v. Metropolitan Life Insurance Company – Representation of state agency responsible for investment of state funds in a multiple forum real estate action against an insurance company
- Trans West v. Washington Mutual Bank – Representation of financial institution in UCC action
- Alaska Airlines v. Air Alaska – Representation of airlines in a multiple forum trademark infringement dispute

## ACTIVITIES

- Issaquah Schools Foundation, Board Member, 2016-Present
- Federal Bar Association, Western District of Washington, Communications and Website Committee, Co-Chair, 2009-2018
- American Bar Association
  - + Health Law Section
  - + Litigation Section
- Washington State Bar Association
- Oregon State Bar Association
- California Bar Association
- King County Bar Association
- Washington State Society of Healthcare Attorneys
- American Health Lawyers Association
  - + Healthcare Litigation and Risk Management Section
  - + Payment and Reimbursement Section
  - + Healthcare Fraud and Compliance Section
  - + eHealth, Privacy & Security Section
- Dartmouth Club of Western Washington, Past President

## PUBLICATIONS

- [“GDPR: Is Your Website Compliant?”](#) Co-Author, Foster Pepper News Alert, May 2018
- [Federal Bar Association Newsletter](#), Co-Chair and Editor, Communications and Website Committee, 2009-2018
- “Managing the Electronic Avalanche: The Courts Speak,” Author, National Business Institute CLE, 2014
- “Class Action Fairness Act: Ninth Circuit Blocks Removal By Counterclaim Defendant,” Author, Federal Bar Association Western District of Washington Newsletter, Summer 2011
- “Managing Client Confidences: Revisiting Attorney Client, Work Product and Deliberative Process Privileges,” Co-author, Washington State Association of Municipal Attorneys Conference, 2007
- “Building A Record For Dismissal In Securities Cases: What The Court May Consider On A Motion To Dismiss,” Co-author, American Bar Association, 2000
- “Overview Of The Private Securities Litigation Reform Act Of 1995, Its Impact And Application,” Contributor, 20th Annual Northwest Securities Institute, 2000

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- “Litigating The Class Action Lawsuit In Washington,” Co-author of class action defense-oriented CLE publication, National Business Institute, 1998

### PRESENTATIONS

- “Managing Cyber Risks: Cybersecurity in the Supply Chain,” Speaker, Counsel of Supply Chain Management Professionals Seminar, November 2017
- “Expert Witnesses in Federal Court Cases,” Speaker/Faculty Member, National Business Institute Seminar, November 2016
- “Managing Cyber Risks: Exposures, Internal Controls and Insurance,” Speaker, Association of Corporate Counsel CLE, October 2016
- “Cyber Security Best Practices: Overview of Regulatory Expectations and Loss Mitigation Strategies,” Speaker, Northwest Credit Union Association, March 2016
- “Everything You Don’t Know About E-Discovery (But Wish You Did),” Speaker/Faculty Member, National Business Institute Seminar, 2014
- “Education Finance: Adequacy and Equity,” Speaker/Panelist, Forces of Change: Justice and Equity in Public Education Conference, UW Law School, 2012
- “Legal Ethics: Maintaining the Attorney-Client Privilege and Work Product Protections,” Presenter, Washington State Society of Healthcare Attorneys Conference, 2007

### EXPERIENCE

- Foster Pepper PLLC
  - + Member, 2002-Present
  - + Associate, 1996-2001

### BAR ADMISSIONS

- Washington
- Oregon
- California
- District of Columbia
- U.S. District Court
  - + Eastern District of Washington
  - + Western District of Washington
  - + District of Oregon
  - + Central District of California
  - + Eastern District of California
  - + Northern District of California
  - + Southern District of California
- 9th Circuit U.S. Court of Appeals

### EDUCATION

- J.D., University of Michigan Law School (*cum laude*)
- A.B., Dartmouth College (*high honors*)