

Adrian Urquhart Winder

MEMBER



SEATTLE

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SERVICES

Litigation & Dispute Resolution
Airports
Class Action Litigation
Constitutional Law & Statutory Rights
Land Use, Planning & Zoning
Municipal Government
Ports (Chair)
Real Estate
Right-of-Way
Senior & Affordable Housing
Transportation

PRACTICE OVERVIEW

Adrian represents public and private clients in trial and appellate litigation, with a particular focus on real estate and municipal law. She is experienced in eminent domain and inverse condemnation matters and also advises her clients regarding the Public Records Act and Open Public Meetings Act, municipal government, and statutory, regulatory and constitutional law issues.

REPRESENTATIVE MATTERS – Appellate Decisions

- *Public Utility District No. 1 of Okanogan County v. State*, 182 Wn.2d 519 (2015): represent public utility district in affirming authority to condemn easements over State lands for transmission corridor project
- *Admasu v. Port of Seattle*, 185 Wn. App. 23 (2014), *review denied*, 183 Wn.2d 1009 (2015): represent municipal airport operator in dismissal of putative class action seeking damages and injunctive relief based on alleged inverse condemnation, nuisance and trespass caused by airport operations
- *McDonnell v. City and County of Denver*, 878 F.3d 1247 (10th Cir. 2018): represent Airports Council International – North America as amicus curiae in reversal of preliminary injunction on First Amendment challenge to airport permit policies governing protests and demonstrations
- *Lewington v. Parsons*, 193 Wn. App. 1044 (unpublished), *review denied*, 186 Wn.2d 1012 (2016): Represent property owner in obtaining a favorable decision on interpretation and application of neighborhood restrictive covenant
- *Vern F. Sims Family Ltd. Partnership v. City of Burlington*, 194 Wn. App. 1048 (2016) (unpublished): represent Northwest-based global retail developer in litigation regarding latecomer agreement for street improvement project, affirming dismissal of claims under LUPA
- *McCleary v. State of Washington*, 173 Wn.2d 477 (2012): represent petitioners in trial and appellate litigation to enforce State Constitution’s public education clause, including Washington Supreme Court enforcement and contempt proceedings

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OTHER REPRESENTATIVE MATTERS

- Represent port district in multiple matters involving claims of alleged inverse condemnation, nuisance and trespass caused by airport operations and overflights
- Represent private Seattle-based real estate developer, Northwest-based food and drug retailer, and other business and individual property owners in multiple condemnation actions related to Sound Transit's East Link and Lynnwood Link Extension Light Rail Projects
- Represent port district in dismissal of superior court litigation to vacate lease of cargo terminal, reversal of city interpretation and notice of violation of shoreline substantial development permit, and in responding to associated public records requests
- Represent and advise Class 1 railroad in matters involving quiet title, adverse possession, prescriptive easement, federal preemption, franchises and eminent domain
- Represent city in multiple condemnation matters for downtown flood improvement project and associated Public Records Act litigation
- Represent multiple cities in condemnation matters to acquire property rights for street improvement and recreational trail projects
- Represent major public institution in litigation under the Open Public Meetings Act
- Represent major public institution in condemnation of property necessary for campus expansion
- Represent housing authority in federal class action, settlement and settlement administration regarding public housing utility allowances
- Represent private developer in challenge of preliminary plat application and associated environmental impact statement under SEPA
- Represent property owner at trial court and appellate levels in successful action to quiet title to rights under easement
- Represent property owners in utility easement acquisitions by local energy utility
- Represent Northwest-based food and drug retailer in condemnation litigation concerning shopping center master lease and subleases
- Represent port district on matters involving use of airport property, FAA compliance issues and condemnation
- Advise public agencies regarding the development and adoption of policies for disclosure of public records and records retention; provide mandated training in open public meetings and public records; advise regarding responses to public records requests; and represent in litigation as needed

RECOGNITION

- Rising Star, Washington Super Lawyers list, 2014-2016

ACTIVITIES

- Washington State Bar Association Civil Procedure Deskbook, Contributing Author and Editor, 2014 edition
- Washington Public Ports Association
- Association of Washington Housing Authorities
- Washington State Association of Municipal Attorneys
- Tacoma-Pierce County Bar Association
- Federal Bar Association
- Housing Justice Project, Volunteer Attorney, 2009 - 2011

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- "Judge Dismisses 237 of 291 Plaintiffs Suing Port Over Noise from New Runway," *Airport Noise Report*, Volume 25, Number 15, May 2013

PUBLICATIONS

- "[New FAA Drone Regulations Take Effect August 29, 2016: The New Rules and What They Could Mean for Industry](#)," Author, Foster Pepper News Alert, August 2016
- Author, Chapters 20 and 21 of the Washington State Bar Association Civil Procedure Deskbook (2014 edition)
- Contributor, Foster Pepper's [Local Open Government Blog](#)
- "[Court of Appeals Reaffirms Public Utility District Authority to Condemn State School Trust Lands](#)," Co-author, Foster Pepper News Alert, May 2013
- "[Court Enforces Avigation Easements, Dismisses Claims Based on Flights on Third Runway at Seattle-Tacoma International Airport](#)," Co-Author, Foster Pepper News, March 2013
- "[Court Denies Certification of Alleged Takings Class Action Based on Noise from Third Runway at Seattle-Tacoma International Airport](#)," Co-Author, Foster Pepper News, June 2012

PRESENTATIONS

- "Open Government Update: Executive Session to Discuss Real Estate Transactions, Updating Your Policies, and New State Reporting Requirements," Speaker, Association of Washington Housing Authorities Spring Meeting, May 2018
- "*McDonnell v. City and County of Denver*: A Case Study on Regulating Speech in the Nonpublic Forum," Speaker, Washington State Association of Municipal Attorneys 61st Annual Spring Conference, May 2018
- "Executive Session to Discuss Real Estate Transactions: *Columbia Riverkeeper v. Port of Vancouver USA*," Speaker, Washington State Association of Municipal Attorneys 60th Annual Fall Conference, October 2017
- "Records Retention and Destruction: Electronic Records," Speaker, Washington Housing Authorities Accounting Professionals Annual Conference, September 2017
- "[Open Government Update](#)," Speaker, Washington Public Ports Association Spring Meeting, May 2017
- "Records Retention and Destruction: Why Records Management Matters and What to do About it," Speaker, Association of Washington Housing Authorities Spring Meeting, April 2017
- "*Telford* Issues: When is a Private Agency the Functional Equivalent of a Public Agency," Speaker, Law Seminars International, March 2017
- "[Aviation Legal Update: Policy on the Non-Aeronautical Use of Airport Hangars](#)," Speaker, Washington Public Ports Association Aviation Committee Fall Meeting, November 2016
- "[When Is It Too Personal?: Public Records Act Update on Personnel Records](#)," Speaker, 35th Annual Civil Service Conference, September 2016
- "[Open Government Update: Per Page Penalties, 'Commercial Purpose' Requests, and Other Developments](#)," Speaker, Washington Public Ports Association Spring Meeting, May 2016
- "Aviation Legal Trends: Proposed FAA Rules on Small Unmanned Aircraft Systems (Drones)," Speaker, Washington Public Ports Association Fall Aviation Committee Meeting, November 2015
- "Open Public Meetings Act Training," Speaker, Verdant Health Board of Commissioners Annual Retreat, June 2015
- "[Lobbying Rules for Housing Authorities](#)," Speaker, Association of Washington Housing Authorities Spring Meeting, April 2015
- "Mandatory Reporting Requirements for Child Abuse," Speaker, Association of Washington Housing Authorities Winter Meeting, February 2015

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- “Recent Legal Developments for Airports,” Speaker, Washington Public Ports Association Fall Aviation Committee Meeting, December 2014
- “Public Records Act and Open Public Meetings Act Update,” Speaker, Washington Public Ports Association Fall Legal Committee Meeting, December 2014
- “Next Up in *McCleary* and What It Means for Districts,” Co-presenter, Washington State School Directors’ Association Annual Conference, November 2014
- “Public Records Act Training,” Co-presenter, Association of Washington Housing Authorities webinar, November 2014
- “[Getting Personal About Personnel Records: Public Records Act Update](#),” Speaker, 33rd Annual Civil Service Conference, September 2014
- “Open Public Meetings Act Training,” Co-presenter, Association of Washington Housing Authorities webinar, August 2014
- “Recent Legal Developments for Airport Managers,” Speaker, Washington Airport Management Association 2014 Conference, May 2014
- “Public Records Act: Tenant and Employee Privacy,” Speaker, Association of Washington Housing Authorities Spring Meeting, April 2014
- “Like a Good Neighbor - Planning For and Defending Airport Noise Claims,” Speaker, Washington Public Ports Association Fall Aviation Committee Meeting, November 2013
- “Public Records Act: Key Lessons Learned (and Some Reminders),” Speaker, Washington Public Ports Association Continuing Legal Education Seminar: Environmental Compliance and Increased Public Scrutiny, November 2013
- “Like a Good Neighbor - Planning For and Defending Airport Noise Claims,” Speaker, Washington Airport Management Association Spring Conference, May 2013

EXPERIENCE

- Foster Pepper PLLC
 - + Member, 2016-Present
 - + Associate, 2008-2015
- U.S. District Court (Beaumont, TX), Law Clerk to the Hon. Marcia A. Crone, 2006-2008
- U.S. District Court (Eugene, OR) Extern to the Hon. Ann L. Aiken, January 2006-May 2006
- Stevens, Baldo, Freeman & Lighty, L.L.P. (Beaumont, TX), Summer Associate, 2004-2005

BAR ADMISSIONS

- Washington, 2006

EDUCATION

- J.D., University of Oregon School of Law, 2006
 - + Order of the Coif
 - + Managing Editor, Oregon Law Review
 - + Teaching Assistant, Legal Research & Writing Program
 - + Business Officer, Moot Court Board
 - + ABA National Appellate Advocacy Competition
- B.A., University of Washington, 2003
 - + Phi Beta Kappa Honor Society