



Litigation & Dispute Resolution

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 Pepper's litigators work 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 Washington state commercial litigation practice, named to the annual *U.S. News – Best Lawyers* "Best Law Firms" list. Our team of more than 40 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 Pepper 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.

AREAS OF FOCUS

Antitrust & Consumer Protection

We advise manufacturers, retailers, distributors, financial institutions and other businesses concerning antitrust and consumer protection compliance and litigation matters.

Appellate

Foster Pepper'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 Pepper 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 Pepper has extensive experience in the defense of class actions. We regularly litigate class actions in a wide variety of fields, including securities claims, consumer protection or unfair or deceptive acts claims, antitrust claims, toxic tort claims, and claims under state and federal statutes and regulations. We have represented retailers, manufacturers, distributors, telecommunications companies, biotechnology companies, software companies, industrial product companies, franchisees, food companies, banks,

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lenders, loan servicers, mortgage companies, investment companies, finance companies, broker-dealers, real estate companies, health care providers, governmental entities, directors and officers, and other individuals.

Condemnation & Eminent Domain

Through its litigation, municipal government, land use, and real estate disciplines, Foster Pepper 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.

Construction

Foster Pepper has 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 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 Pepper attorneys have experience with 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 Pepper is one of the strongest in the 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.

Directors & Officers

Foster Pepper has the experience and depth to handle the most complex directors' and officers' litigation. We regularly represent individual directors and officers, as well as entire boards, in litigation involving a wide variety of matters, including merger and breach of fiduciary duty claims, state and federal securities laws claims, financial institution practices claims, consumer claims and antitrust claims.

Electronically Stored Information Squad (ESI)

Electronic discovery is now a reality in virtually every disputed matter. Foster Pepper'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.

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 Pepper's Emergency Injunction attorneys can lead the way. Experience matters in choosing the

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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.

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 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 Pepper's 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 resources and more.

Financial Institutions Litigation

Foster Pepper 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 white collar crime litigation.

Health Care Litigation

Foster Pepper 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.

Insurance Coverage

Foster Pepper'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 Pepper 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. We are proud to be recognized by clients and peers in the *U.S. News-Best Lawyers* "Best Law Firms" survey as a top intellectual property litigation practice in Washington.

Investment Management

Foster Pepper's extensive practice representing major pension funds includes asserting securities claims arising from many types of securities — derivatives, municipal securities, commodities, common stock,

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mutual funds, foreign securities, and limited partnership interests as well as involvement in major real estate disputes. We have also provided expert services to public fund clients in complex securities litigation in analyzing potential claims and legal theories to be asserted by the funds.

Land Use Litigation

Our land use 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 Pepper 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 Pepper's creative approach to these Patent Office matters has led to an unrivaled track record of success.

Privacy, Cybersecurity & Data Protection

Foster Pepper 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.

Public Records & Open Government

Foster Pepper'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. Learn more by visiting Foster Pepper's public records blog -- [Local Open Government](#) -- for regular legislative and legal updates in this fast-evolving area. Learn more about our [Public Records & Open Government](#) experience.

Real Estate Litigation

Foster Pepper 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 Pepper 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.

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White Collar Defense & Government Investigations

The firm's White Collar Defense & Government 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.