

## Kathleen Carroll Bricken

Principal

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**Kathleen is committed to helping her clients resolve complex business disputes.**

Kathleen maintains a diverse civil litigation practice, with an emphasis on business disputes. Kathleen represents local, national and international businesses in a wide variety of disputes, including breaches of high-value manufacturing agreements, breaches of representations and warranties in purchase and sale agreements, shareholder and partnership disputes, and unfair business practices. She also defends commercial brokers and other business professionals. With more than 26 years of experience, she represents clients in state and federal courts, as well as various arbitration forums. Kathleen practices in Oregon, Washington and California.

Kathleen has successfully tried cases in court, arbitrated disputes, and briefed and argued matters before the Oregon Court of Appeals. She has participated in firm initiatives which develop tools for case budgeting and alternative fee arrangements for clients.

### Education

J.D., University of Notre Dame Law School, 1994

- Faculty Award for Excellency in Oral Advocacy
- Jessup International Moot Court Team Award for Excellency in Oral Advocacy

B.A., University of California Santa Barbara, English and Psychology, 1990

### Services

Litigation

Alternative Dispute Resolution

### Admissions

Oregon, 1994

Washington, 1995

California, 2009

U.S. District Court, District of Oregon, 1997

U.S. Court of Appeals for the Federal Circuit, 2004

U.S. Court of Appeals for the 9th Circuit, 2009

U.S. District Court, Central District of California, 2012

U.S. District Court, Northern District of California, 2020

U.S. District Court, Western District of Washington, 2015

University of Stirling, Scotland, Course Work, 1988-1989

## Professional Activities

Defense Research Institute, Member

- Business Torts & Contract Litigation SLG, Vice Chair, 2021-present

Multnomah Bar Association, Member

Oregon State Bar, Litigation Section, Member

Oregon Women Lawyers Foundation

- Board Member, 2004-2010
- President, 2008-2009
- Vice President, 2007-2008
- Grants Committee, Chair, 2006-2007

## Community Activities

Portland Alumnae Chapter of Tri Delta

- Board Member, 2018-2020
- Secretary, 2018-2020

## Experience

Complex Business Disputes

Co-trial counsel for manufacturer of goods sold world-wide relating to claims for breach of contract, fraud, and breach of fiduciary duties in the aggregate amount of \$100 million.

Lead counsel for international company relating to breach of purchase agreements in excess of \$30 million.

Lead counsel for commercial broker relating to coverage claims of \$40 million in connection with Superstorm Sandy.

Co-counsel for the State of Oregon in litigation against Oracle.

Successful defense as lead counsel for oil recycling company against business interruption claims in excess of \$20 million.

Partnership & Shareholder Disputes

Litigated partnership dispute with claims for accounting, breach of fiduciary duties and fraud. Obtained judgment for recovery of legal fees.

Various shareholder disputes relating to buyouts.

#### Professional Negligence

Representation of accounting and commercial broker companies against various contract, professional negligence and fiduciary duty claims.

#### Sports & Entertainment

Prosecuted and defended claims for commissions, breach of contract, and breach of fiduciary duties in the entertainment and sports industry, involving athletes, actors and production companies.

#### Noncompete/Nonsolicitation Agreements

Immediate enforcement of various noncompete and confidentiality agreements in court by obtaining temporary restraining orders and preliminary injunctions in favor of employers. Successful defense of individuals against claims for violation of noncompetition agreements and trade secrets law, ranging in value from \$1 million to \$10 million.

#### Products Liability/Misrepresentation Claims

Successful defense of product liability and misrepresentation claims in the agriculture industry for \$40 million.

### News

Educating Pro Se Litigants in Oregon

*Foster Garvey Newsroom*, 2019

### Speaking Engagements

"Buyout Price Disputes in Shareholder Litigation of Privately-Held Companies," Multnomah Bar Association CLE

Speaking Engagement

Virtual Event, 1.29.21

"Enhancing Negotiation Skills" (in-house training for client)

Speaking Engagement

Portland, OR, 2.27.20

"Shareholder Disputes Over a Buyout Price for Shares of a Private Company," Defense

Research Institute (DRI) Commercial Litigation Subcommittee Presentation

Webinar

9.5.19