

Paul H. Trincherero

Principal

Bank of America Financial Center
121 SW Morrison Street
11th Floor
Portland, OR 97204-3141

T 503.553.3116
F 503.226.0259
paul.trincherero@foster.com



Paul helps clients resolve complex business and real estate disputes through litigation, arbitration, mediation and negotiation.

Paul represents clients in litigation relating to business and real estate disputes, condemnation and eminent domain, property tax appeals, commercial landlord-tenant disputes, federal and state securities laws, enforcement of noncompetition agreements, False Claims Act violations, and shareholder class action and derivative lawsuits. He is experienced in litigating cases in state and federal court, as well as in private arbitrations.

Services / Representative Cases:

Eminent Domain: Represents property owners and local government in eminent domain actions. Most recently, was an integral part of legal team representing property owners in obtaining the dismissal of eminent domain lawsuit.

Commercial Landlord/Tenant and FED: Represents commercial tenants or landlords in lease disputes, including defense and prosecution of FED actions.

Property Management: Defended property management company and its principals on claims of breach of fiduciary duty and breach of contract in a two-week arbitration that resulted in the dismissal of all claims and an award of attorney fees to clients.

Services

- Litigation
- Alternative Dispute Resolution
- Class Action Litigation
- Construction
- Eminent Domain & Inverse Condemnation
- Labor & Employment Litigation
- Property Tax
- Real Estate
- Real Estate, Land Use & Environmental
- Securities Litigation & Enforcement
- White-Collar Defense & Investigations

Admissions

- Oregon, 2001
- Washington, 2013
- U.S. District Court, District of Oregon, 2002
- U.S. Court of Appeals for the 9th Circuit, 2010
- U.S. Tax Court, 2019

Disputes Relating to Purchase and Sale of Real Property: Represents purchasers or sellers in disputes relating to the purchase and sale of real property. Representative case, represented property owner in successive arbitrations, first against the seller and then against the real estate broker, for fraud, negligent misrepresentation and negligence resulting in arbitration awards in favor of property owner in both cases.

Securities Litigation: Prosecutes and defends securities lawsuits on behalf of investors, brokers or professionals, including class actions and mass actions. Most recently, represented investors in a FINRA arbitration resulting in an award in favor of investors granting full rescission of investments plus attorney fees and costs.

Shareholder Derivative Litigation: Represents shareholders, officers, directors or companies in shareholder derivative lawsuits. Representative case, lead attorney in dismissal of derivative, fraud and RICO claims brought against director of a technology firm. Successfully defended appeal to the Ninth Circuit Court of Appeals.

False Claims Act: Represents businesses in prosecuting or defending False Claims Act litigation. Integral part of legal team that successfully defended industrial client in a False Claims Act lawsuit. The lawsuit was dismissed at the trial court level. The dismissal was affirmed by the Fourth Circuit Court of Appeals.

Commercial Contracts: Represents businesses and individuals in contract disputes. Most recently, obtained judgment in favor of client after bench trial seeking to enforce promissory note and guaranty.

Fraudulent Transfers: Represents creditors and debtors in cases involving alleged fraudulent transfers. Representative case, defended principals and their companies against claim by lender alleging fraudulent transfers. Successfully argued motion for directed verdict resulting in dismissal of claims against three of the four defendants at close of plaintiff's case. The case was ultimately settled on favorable terms.

Trade Secret Claims / Noncompetition Agreements: Represents businesses or employees in prosecuting and defending disputes and litigation relating to trade secret rights and enforcement of noncompetition agreements.

Local Government and Administrative Claims: Represents local governments and businesses in claims relating to public contracting law, code enforcement cases, writ of review and commercial disputes. Most recently, settled claim on behalf of county against utility company for increased construction costs on road project based on company's alleged failure to identify and move utilities located in the right-of-way.

Education

J.D., Lewis & Clark Law School (*cum laude*), 2001

- *Environmental Law Review*, Associate Editor, 1999-2001

B.S., University of California Davis, Genetics, 1995

Honors & Recognition

The Best Lawyers in America® Litigation-Securities, 2016-present

Oregon Super Lawyers list, 2012-2021

- *Super Lawyers Business Edition*, 2014-2015

Rising Star, Oregon Super Lawyers, 2010 and 2011

Professional Activities

Federal Bar Association, Member

Multnomah Bar Association, Member

Oregon State Bar, Member

- Real Estate & Land Use (RELU) Section, Executive Committee Member, 2019-present
- Securities Regulations Section, 2005-present
 - Chair, 2011
 - Treasurer, 2010
 - Secretary, 2009
- Tax Section

Oregon Trial Lawyers Association, Member

- Business Litigation Section, Co-Chair, 2011

News

38 Attorneys Named 2022 Best Lawyers in America; 11 Named Best Lawyers: Ones to Watch
Foster Garvey Newsroom, 8.19.21

Six Attorneys Recognized in Oregon Super Lawyers for 2021
Foster Garvey Newsroom, 7.12.21

43 Attorneys Named 2021 *Best Lawyers in America*; 10 Named Best Lawyers: Ones to Watch
Foster Garvey Newsroom, 8.20.20

Seven Attorneys Named to Oregon Super Lawyers List
Foster Garvey Newsroom, 7.6.20

Working to Reform Campaign Finance Systems
Foster Garvey Newsroom, 19

50 Foster Garvey Attorneys Named 2020 *Best Lawyers in America*
Foster Garvey Newsroom, 8.15.19

32 Attorneys Named Super Lawyers and Eight Named Rising Stars
Foster Garvey Newsroom, 6.10.19

Speaking Engagements

"Appraisal Panel," The Seminar Group's Eminent Domain Conference: Current Developments in
Condemnation, Valuation & Challenges
Speaking Engagement
Virtual Event, 6.3.21

"Oregon Real Estate Case Law Updates," COLT Oregon Conservation Law Forum
Speaking Engagement
Virtual Event, 12.9.20

"Real Estate Case Law Update," 2020 Oregon State Bar RELU Summer Webinar Series
Webinar
Virtual Event, 9.3.20

"May the Force Majeure Be With You: Examining Commercial Lease Disputes Related to
COVID-19," Multnomah Bar Association COVID-19 CLE Series
Webinar
Virtual Event, 4.21.20

"Appraising the Proposed Acquisition Rights – Does the Appraisal Cover All Components of
the Draft Easement Conveyance Document(s)?" International Right of Way Association October
Education Day
Speaking Engagement
Portland, OR, 10.16.19

"Real Estate Update," 2019 RELU Annual Summer Conference
Speaking Engagement
Bend, OR, 8.16.19

"Problematic Jury Instructions and How to Educate the Jury," Eminent Domain: Current Developments in Condemnation, Valuation & Challenges
Panel Discussion
Portland, OR, 6.6.19

"Adverse Possession? Prescriptive Easements? Here's the What, Where, When, Why, and How,"
2018 RELU Annual Summer Conference
Speaking Engagement
Glenden Beach, OR, 8.10.18

"Current Condemnation and Right of Way Issues," 2017 IRWA Training Symposium
Panel Discussion
Portland, OR, 10.11.17

"Condemnation Law: Updates, Tips and Traps," Oregon County Counsel Association 2017
Summer Conference
Speaking Engagement
Bend, OR, 8.3.17

"Private Land Use Regulation Through CC&Rs: The Tension Between Private Interest and
Public Policy," Oregon State Bar 2017 RELU Spring Forum
Speaking Engagement
Tigard, OR, 4.28.17

"Identifying False Claims Act Potential," Oregon Trial Lawyers Association - Business Litigation
Section Meeting
Speaking Engagement
Portland, OR, 4.14.16

"Outsourcing," OCCA Conference
Speaking Engagement
Bend, OR, 7.25.13