

Christopher G. Emch

Principal

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Chris 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 Washington 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

Services

Litigation
Alternative Dispute Resolution
Antitrust & Consumer Protection
Business & Corporate Finance
Class Action Litigation
Environmental Litigation
Financial Services
Health Care
Health Care Litigation
Privacy, Cybersecurity & Data Protection
Public Finance & Municipal Government
Public Records & Open Government
School Districts
Securities Litigation & Enforcement
Transportation & Logistics
Yachts, Ships & Submersibles

Admissions

Washington
California

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).

Education

J.D., University of Michigan Law School (*cum laude*)

A.B., Dartmouth College (high honors)

Professional Activities

American Bar Association

- Health Law Section
- Litigation Section

American Health Lawyers Association

- Healthcare Litigation and Risk Management Section
- Payment and Reimbursement Section
- Healthcare Fraud and Compliance Section
- eHealth, Privacy & Security Section

California Bar Association

Federal Bar Association, Western District of Washington,
Communications and Website Committee, Co-Chair, 2009-2018

King County Bar Association

Oregon State Bar Association

Washington State Bar Association

Washington State Society of Healthcare Attorneys

Community Activities

Dartmouth Club of Western Washington, Past President

Issaquah Schools Foundation, Board Member, 2016-2020

Experience

Real Estate Disputes

Multiple representations of national and local clients in real estate and transportation related disputes

District of Columbia

Oregon

U.S. District Court, Central
District of California

U.S. District Court, District of
Oregon

U.S. District Court, Eastern
District of California

U.S. District Court, Eastern
District of Washington

U.S. District Court, Northern
District of California

U.S. District Court, Southern
District of California

U.S. District Court, Western
District of Washington

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

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

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

Reklaim 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)

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

News

Seattle Indian Health Board Research Helps Create Government Task Force for Missing and Murdered American Indians and Alaska Natives

Foster Garvey Newsroom, 1.7.20

Speaking Engagements

Managing Cyber Risks: Cybersecurity in the Supply Chain," Counsel of Supply Chain Management Professionals Seminar

Speaking Engagement

November 2017

Publications

Federal Bar Association Newsletter

2009-2018