

Jason R. Donovan

Principal

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Jay is an experienced commercial litigator with trial court and appellate court experience litigating complex commercial disputes, including insurance coverage disputes, municipal disputes, and solid waste-related disputes.

As chair of Foster Garvey's Insurance Coverage practice, Jay exclusively represents policyholders to protect their interests at every stage of the process. Jay works with policyholders to provide timely notice of claims, to respond to the insurer's requests for information, and to challenge the insurer's coverage denial. To the extent litigation is necessary, Jay has extensive experience litigating insurance coverage disputes at the trial and appellate courts alike.

Jay also handles a wide variety of municipal disputes on behalf of cities and counties throughout Washington. Those disputes include public disclosure disputes, construction disputes, state and federal constitutional challenges to local solid waste regulations, long-term solid waste contract disputes, and regulatory enforcement actions.

Education

J.D., University of Wisconsin Law School

B.M., Northwestern University

Université Paris-Sorbonne, L'Ecole Normale de Musique

Services

Litigation
Appellate
Construction
Election and Political Law,
Public Policy & Lobbying
Insurance Coverage
Public Finance & Municipal
Government
Public Records & Open
Government
Transportation & Logistics

Admissions

Washington, 2008
Illinois, 2003
U.S. District Court, Eastern
District of Washington, 2012
U.S. District Court, Northern
District of Illinois, 2004
U.S. District Court, Western
District of Washington, 2009
U.S. Court of Appeals for
the 9th Circuit, 2011

Professional Activities

American Bar Association, Member
Federal Bar Association, Member
Foster Garvey, [Opportunity & Progress Council](#), Member, 2020-present
Illinois State Bar Association, Member
King County Bar Association, Member
Washington State Bar Association, Member
Wisconsin State Bar Association, Member

Speaking Engagements

2019 Insurance Coverage Legal Update: Safeguarding Your Operations With Insurance
Event
Seattle, WA, 11.12.19

2018 Insurance Coverage Legal Update: Safeguarding Your Operations With Insurance
Event
Seattle, WA, 6.7.18

2017 Insurance Coverage Legal Update
Event
Seattle, WA, 6.8.17

"Protecting Against Risk," The Seminar Group
Speaking Engagement
Seattle, WA, 5.4.16

"Real Life *Cedell* Issues," 2016 Annual Insurance Law Update
Speaking Engagement
Seattle, WA, 4.29.16

"Protecting Against Risk," The Seminar Group
Speaking Engagement
Seattle, WA, 3.23.16

"Ongoing Bad Faith and When Defense Counsel Acts as Adjuster," WSAJ's 38th Annual
Insurance Law Seminar
Speaking Engagement
Seattle, WA, 1.22.16

Experience

Defended King County's flow control ordinance against four state and federal constitutional challenges.

Arbitrated long-term solid waste contract disputes on behalf of Cowlitz County and the City of Port Angeles.

Defended Spokane County's solid waste ordinance against eight constitutional challenges.

Defended the City of Mount Vernon in connection with disputes over public works project.

Successfully settled mobile advertising fraud and breach of contract claims for ride-share company.

Obtained favorable judgment for former owner of the Tacoma Kraft Mill in post-closing property tax allocation dispute.

Resolved copyright infringement claims against music-streaming company.

Obtained insurer bad faith jury verdicts for commercial real estate owner.

Invalidated the Income Tax Initiative for the City of Olympia.

Successfully settled class action lawsuit against credit union alleging improper overdraft fee practices.

Prosecuted Insurance Fair Conduct Act claims on behalf of general contractor.

Negotiated insurance coverage for individual homeowner after insurer denied coverage in bad faith.

Awarded summary judgment establishing homeowner's entitlement to insurance coverage for significant water damage after insurer asserted more than eight different reasons for denying coverage in serial fashion over a two-year period.

Effectively had opposing counsel disqualified from serving as trial counsel in bad faith lawsuit stemming from opposing counsel's wrongful investigation, evaluation, and handling of client's insurance claim.

Successfully procured insurance coverage for copyright infringement claims after insurer wrongfully refused to defend client.

Obtained jury verdict against insurer for bad faith and Insurance Fair Conduct Act violations.

Obtained Insurance Fair Conduct Act, bad faith and estoppel rulings in Federal Court against subcontractor's insurer for refusing to defend general contractor as an additional insured.

Recovered more than \$2,500,000 for general contractor as additional insured under policies issued to subcontractors.

Recovered policy limits, bad faith damages and all attorneys' fees from title insurer for property defects on clients' property.

Successfully obtained employee embezzlement / fraud coverage for two local non-profits.

Successfully defended non-profit against public accommodations discrimination claims.

Regularly advises and litigates insurance, contractual, and employment disputes on behalf of non-profit transportation brokers.

Successfully defended non-profit by repeatedly having claims dismissed on summary judgment.