Foster Garvey

John Ray Nelson

Principal | Spokane

Phone : 509.777.1604

Fax : 509.777.1616

Email : john.nelson@foster.com

Overview

Working as a trial lawyer from Spokane, Washington, John has represented clients in state and federal courts in Washington, Idaho, Oregon and Utah, as lead counsel in litigation, including intellectual property, contract, real estate, employment defense, environmental and trespass and nuisance.

John has represented clients in a wide variety of cases, including:

- Intellectual Property Litigation, including defense and prosecution of patent, trademark and copyright infringement claims
- Contract Litigation, including commercial sales, construction, professional malpractice and partnership dissolution disputes
- Real Estate Litigation, including sales contract, misrepresentation/ failure to disclose, boundary, easement and water rights disputes
- Employment Defense Litigation, including discrimination, retaliation, wrongful discharge and competition disputes
- Environmental Litigation, including defense of Clean Water Act and Clean Air Act citizen suits and conjoined toxic tort claims
- Trespass and Nuisance Litigation, including claims of surface and groundwater contamination, insurance recovery and cleanup allocation

John has been admitted to practice in Washington and Idaho. He has also served as a federal law clerk for the Eastern District of Washington, and as Chair of the Washington State Bar Association's Litigation Section.

Areas of Focus

- Litigation

© 2026 Foster Garvey PC. All Rights Reserved.

- Antitrust & Consumer Protection
- Class Action Litigation
- Eminent Domain & Inverse Condemnation
- Environmental & Natural Resources
- Environmental Litigation
- Intellectual Property Litigation
- Intellectual Property, Privacy & Technology
- Investment Management
- Labor & Employment Litigation
- Labor, Employment & Immigration
- Land Use & Development Permitting
- Patents & Portfolio Counseling
- Privacy, Data Protection & Cybersecurity
- Public Finance
- Real Estate
- State & Local Government

Admissions

- Washington (all state and federal courts)
- Idaho (all state and federal courts)
- U.S. Court of Appeals for the 4th Circuit
- U.S. Court of Appeals for the 9th Circuit
- U.S. Court of Appeals for the 10th Circuit

Education

- J.D., University of Utah S.J. Quinney College of Law, 1986
- M.A., University of Washington, 1983
- B.S., Utah State University (*cum laude*), 1981

Honors & Recognitions

- Litigation Counsel of America, Fellow, 2022-present
- The Best Lawyers in America©
  - Commercial Litigation, 2013-present
  - Litigation – Environmental, 2019-present
  - Litigation – Labor and Employment, 2019-present
  - *Best Lawyers* "Lawyer of the Year," Litigation – Labor and Employment (Spokane, WA), 2027, 2025 and 2020

© 2026 Foster Garvey PC. All Rights Reserved.

- Spokane Top Lawyers, *Spokane/Coeur d'Alene Living* magazine, 2008-Present
- The Trial Attorneys, Washington, 2026-present

Clerkships

- The Hon. Alan A. McDonald and the Hon. Justin L. Quackenbush, U.S. District Court for the Eastern District of Washington

Professional Activities

- Federal Bar Association, Eastern District of Washington
  - President, 2010
  - Board of Directors, 2005-2012
- Litigation Counsel of America, Fellow
  - Order of the Certus
  - Order of the Veritas
  - Diversity Law Institute, Member
  - Trial Law Institute, Member
- Ninth Circuit Judicial Conference, Lawyer Representative, 2005-2008
- Washington Civil Procedure Deskbook, Editorial Board, 2012, 2004, 1998, 1995
- Washington State Bar Association
  - Litigation Section, Executive Committee, 1997-2004
    - Committee Chair, 2002-2003
- Washington Trial and Evidence Manual
  - Editor in Chief, 2004
  - Editorial Board, 1997

Community Activities

- Friends of Mt. Spokane State Park
  - Board of Directors, Ski Patrol
- National Ski Patrol, 1991-Present
  - Pacific Northwest Division, Counsel

Experience

Appellate

- *Condon Bros., Inc. v. Simpson Timber Co*
  Case reported at 92 Wash. App. 275, 966 P.2d 355, 37 UCC Rep.Serv.2d 547 (1998)

© 2026 Foster Garvey PC. All Rights Reserved.

- *Interstate Production Credit Ass'n v. MacHugh*
  Case reported at 90 Wash. App. 650, 953 P.2d 812 (1998)

- *Powell v. Whitworth Water Dist. No. 2*
  Case reported at 88 Wash. App. 1076, 1998 WL 12664 (1998)

- *Hoglund v. Omak Wood Products*
  Case reported at 81 Wn. App. 501 (1996). Doyle v. Hicks. Case reported at 78 Wn. App. 538 (1995). Statute of Limitations, reported decision.

Commercial

- *Sladich v. Kagele Law Office*
  Obtained seven-figure arbitration award for client as lead counsel in proceeding to determine ownership of fee award.

- *Sun Runner v. Citibank*
  Served as second-chair trial counsel for Citibank, N.A. in a lender liability action in federal court. Prevailed by jury verdict after a six-week trial, obtaining a total defense verdict and a judgment on a $7 million counterclaim.

- *Condon Bros. v. Simpson Timber*
  Successfully represented Simpson Timber as lead trial counsel in an action for breach of contract and promissory estoppel. A five-day jury trial resulted in a total defense verdict for Simpson. Affirmed on appeal

- *Pasco Sanitary Landfill v. Burton County*
  Successfully represented the landfill as lead trial counsel in an action for declaratory judgment regarding trust funds for closing the landfill. Obtained declaratory judgment for damages and an award of attorney's fees against the County after a four-day bench trial.

- *Miller Capital Group, et al., v. Inland Financial, THCG, Inc., et al.*
  Successfully represented parent corporation as lead counsel against claims arising out of participation agreements and loans to receivables factoring company. Prevailed by consecutive motions to transfer co-defendant's cross-claims and for summary judgment against plaintiffs' claims.

- *State of Washington v. HomeBase, Inc*
  Successfully represented home improvement business as lead counsel against state's motion for temporary restraining order alleging violation of Going out of Business Act.

© 2026 Foster Garvey PC. All Rights Reserved.

- *Interstate Production Credit Ass'n v. MacHugh*
  Successfully represented Credit Association as lead counsel against $500,000 claim for alleged "post-appeal damages." Prevailed against claim at the trial court and on appeal.

- *Hunter v. Hartford*
  Successfully represented former agent of national insurance company. Action settled pursuant to confidential agreement after the defendant's motion for summary judgment was denied.

- *Arthur v. Zwetsch*
  Successfully represented an individual in an action for breach of an option contract to purchase stock. Obtained specific performance of the option and a setoff against damages incurred by settlement.

- *Sewell v. Condron Construction*
  Successfully represented home buyers in action for rescission and consequential damages against builder of defective house.

- *Bianci v. Trading Card Co*
  Successfully defended a federal action for appropriation of public image by serial killer Kenneth Bianci against producers of trading card series. Obtained summary judgment on the basis of a policy argument that one whose public image arose out of criminal acts could not develop a protected property interest in likeness or publicity.

- *Quinn v. POVN, Inc*
  Successfully represented a closely held internet service provider against 50% shareholder's petition for involuntary dissolution. Settled the case on buyout terms originally offered after successfully opposing the petitioner's motion for summary judgment.

- *Shourd v. Columbia Const*
  Successfully represented a small business gas station owner in an action for breach of contract, negligence and misrepresentation arising out of a contract for underground storage tank removal and remediation.

- *D'Abo v. Magnuson*
  Successfully represented a lender/financier in a federal action to recover a loan, defeating various counterclaims and affirmative defenses.

Employment

- *Wyche v. Manor Care*
  Successfully defended adult care center as lead trial counsel against claims of disability discrimination and retaliation for exercising worker's compensation rights. A three day jury trial ended in a defense

© 2026 Foster Garvey PC. All Rights Reserved.

verdict.

- *Downes v. Lilac City Spay & Neuter*
  Successfully represented a doctor of veterinary medicine as lead trial counsel in an action for wrongful discharge in violation of public policy. A five day jury trial resulted in a verdict for the plaintiff in excess of $180,000. Costs and attorneys' fees awarded resulted in a total judgment in excess of $220,000.

- *New Horizons v. Tapken*
  Successfully represented individual as lead counsel against suit for injunctive relief and damages based upon alleged violation of covenant not to compete against former employer.

- *Rykoff-Sexton v. PSC Food Service*
  Successfully represented individual and new employer against action for injunctive relief and damages based upon alleged violation of covenant not to compete against former employer.

- *Post v. Coronet*
  Successfully defended a national carpet and flooring manufacturer against age discrimination claim by obtaining summary judgment dismissing the claim with prejudice, affirmed on appeal.

- *Powell v. Asplundh Expert Tree Company*
  Successfully represented tree trimming company against wrongful discharge claim under the Americans with Disabilities Act.

- *Anderson v. Camlu Retirement Home*
  Successfully represented individual independent contractor in claim for wrongful discharge and discrimination on the basis of gender and pregnancy related disability. Settled case after discovery phase of litigation.

Intellectual Property

- *Microsoft v. Alpine Industries Computers*
  Successfully represented software company as lead trial counsel in federal action for trademark and copyright infringement. Obtained $250,000 judgment, plus $72,000 costs and attorneys' fees, following trial to federal court.

- *DX/DY Voice Processing, Inc. v. Teligence Corporation et al.*
  Successfully represented plaintiff in claims for infringement of phone switching patent. Settled case after discovery phase of litigation.

- *Douglas Machine Inc. v. R.A. Pearson Company*
  Defended claim alleging infringement of a box folding patent. Successfully negotiated settlement.

© 2026 Foster Garvey PC. All Rights Reserved.

- *Uhlenkott v. Endot Industries, et al.*
  Defended claims alleging infringement of water well pump hose patent.

- *Nursery Licensing v. John Hancock Mutual, et al.*
  Defended claims alleging infringement of various apple patents.

- *Real Soda in Real Bottles, Ltd v. Stan Ashby, et al.*
  Successfully represented plaintiff in action for infringement of trademark.

- *McCullough v. Monsanto*
  Successfully represented former licensor/licensee of patented genetic modification technology against international chemical and bio-agriculture company. Successfully negotiated confidential settlement agreement at close of discovery.

Municipal

- *Hamilton v. Spokane County*
  Successfully represented the County as lead trial counsel against a claim for personal injuries arising out of an automobile collision with a County water truck. Obtained partial summary judgment that the plaintiff was the "disfavored driver" with the principal duty to yield, and a defense verdict for the County on liability after trial. The summary judgment order and the verdict were affirmed on appeal.

- *Sergeant v. Spokane County*
  Successfully represented Spokane County and a County Prosecutor as lead counsel against a federal civil rights claim by the defendant in a paternity and support enforcement action. Summary judgment of dismissal was affirmed by the Ninth Circuit on the basis of Prosecutorial Immunity and Eleventh Amendment Immunity under an "arm of the state" argument.

- *Marshall Landfill v. City of Spokane, Spokane County*
  Successfully represented the City and County against federal civil rights claims based upon an alleged violation of the Commerce Clause. Obtained summary judgment of dismissal for failure to exhaust administrative remedies and lack of standing

- *Ronald v. City of Spokane*
  Worked as co-counsel with the City Attorney's office against a property developer's action for tortious interference with business expectations. The case was favorably settled after we obtained a partial summary judgment order that the plaintiff was collaterally estopped by prior federal court order.

- *Spokane County v. USF&G, et al*
  Successfully represented the County in an action for indemnification of CERCLA clean-up costs from liability insurers.

© 2026 Foster Garvey PC. All Rights Reserved.

- *Walmsley v. O.M Scott, City and County of Spokane*
  Represented City and County as lead counsel in complex litigation by owners of 23 residences in the vicinity of a municipal yard waste composting facility, who alleged trespass, nuisance and inverse condemnation claims based on odor from the facility. Settled case after obtaining $1.1 million contribution from co-defendant facility operator.

- *City of Harrington v. Northwest Cable*
  Successfully represented the City in an action for injunctive relief against a cable television franchise operator.

Real Property

- *United States v. 13,000 Acres*
  Represented property owners in a five-day federal jury trial to establish the value of property taken to expand the Army's Yakima Firing Center.

- *Doyle v. Hicks, 78 Wn. App. 538 (1995)*
  Successfully represented purchasers of residential real estate against quiet title action by prior owner who claimed that his son had fraudulently exercised power of attorney in selling to clients' predecessors in interest. Obtained summary judgment under the Statute of Limitations, and successfully defended judgment on appeal.

- *Elaimy v. James S. Black*
  Successfully represented real estate purchasers and prospective developers against sellers, agents and brokerage on claim for negligent failure to disclose material defect in property. Case settled for rescission and partial return of clients' damages incurred.

- *McKinney v. K.C. Properties*
  Successfully represented residential real estate purchaser against sellers, agents and brokerage on claim for negligent failure to disclose material defect on property. Obtained rescission and damages for purchaser by settlement.

- *Newcomb v. Arsenault*
  Successfully represented a person who contributed funds to develop real estate based upon promise and expectation of marriage. Obtained property and damages for client valued in excess of initial investment.

- *Emtman v. City of Cheney*
  Successfully represented property owner in eminent domain proceedings. Case settled after we prevailed on a vigorously opposed motion for immediate distribution of the City's initial "takings" deposit.

News & Insights

© 2026 Foster Garvey PC. All Rights Reserved.

Foster Garvey

News

71 Foster Garvey Attorneys Selected to the 2027 Best Lawyers® Lists; Six Named 'Lawyer of the Year'

08.20.26

Foster Garvey Announces Leadership Change in its Litigation Practice

01.08.26

71 Foster Garvey Attorneys Recognized Among the 2026 Best Lawyers in America; Paul Trinchero Named 'Lawyer of the Year'

08.21.25

65 Foster Garvey Attorneys Selected to The Best Lawyers in America® 2025, Three Named 'Lawyer of the Year'

08.15.24

57 Foster Garvey Attorneys Recognized Among the 2024 Best Lawyers in America; Two Portland Attorneys Named 'Lawyer of the Year'

08.17.23

45 Foster Garvey Attorneys Recognized Among The Best Lawyers In America®

08.18.22

38 Attorneys Named 2022 Best Lawyers in America; 11 Named Best Lawyers: Ones to Watch

08.19.21

43 Attorneys Named 2021 Best Lawyers in America; 10 Named Best Lawyers: Ones to Watch

08.20.20

50 Foster Garvey Attorneys Named 2020 Best Lawyers in America

08.15.19

Events

“Civil Trial Case Presentation,” National Business Institute

12.17.20

© 2026 Foster Garvey PC. All Rights Reserved.

"The Employment Relationship: Employment at Will, Benefits and More," National Business Institute

12.01.18

"Top Trial Strategies the Pros Use to Win Their Case - Opening Statements and Direct Examinations," National Business Institute

10.01.18

"An Overview of Strategic and Legal Considerations in Voir Dire," 11th Annual Federal Civil Trial Practice Seminar

05.01.17

"The Rules of Evidence: A Practical Tool Kit," National Business Institute CLE

09.01.15

“Advanced Trial Tactics: Sophisticated Courtroom Strategies for Experienced and Aspiring Trial Attorneys”

11.01.14

10th Annual Hiring & Terminating: The Ins and Outs of Employment Law Seminar

09.01.14

"Federal Bar Association for the U.S. District Court for the Eastern District of Washington," 2012 District Conference and CLE - Jurisdiction and Venue in Federal Courts, September 2012

09.01.12

“Effective Use of Summary Judgment Motions in Federal Court,” 5th Annual Federal Civil Trial Practice Seminar

05.01.11

“Commencing the Action, Responsive Pleadings – What to Use, When and How, and Non-Complaint Claims and Third Party Practice,” The Mechanics of Washington Civil Procedure

12.17.10

"FLSA/Wage and Hour in Today's Economy," Fundamentals of Employment Law

11.01.09

"Zen and the Art of Post-Employment Agreements," Non-Competes in a Down Economy: Protecting Your Company’s Trade Secrets From Disclosure by Former Employees

© 2026 Foster Garvey PC. All Rights Reserved.

06.01.09

"Anatomy Of An Employment Case," Northwest Association of Human Resource Professionals

06.01.07

"Legal Ethics Issues in Employment Cases," Spokane County Bar Association's CLE, Hot Topics in Employment Law

03.01.07

"Can You Hear Me Now?!? What Mediators, Arbitrators and Litigators Really Want to Say to Each Other," WSBA Sections on Litigation and Alternative Dispute Resolution

09.01.06

"Depositions in a Commercial Case — Defense Perspective," WSBA Litigation Section CLE, Elements of Litigation: Advanced Strategies, Techniques and Demonstrations from Both Sides of the Bar

06.01.06

"Documenting Discipline and Discharge from a Trial Lawyer's Perspective," Lorman Education Services

05.01.06

"Trial Themes," Spokane County Bar Assoc. CLE: Trial Techniques for Every Attorney

01.01.06

"Sex & Other Discrimination Claims," Laws Against Discrimination in Rental Properties, Olympic Rental Association, Spokane Chapter

09.01.05

Publications

Washington Wage-and-Hour Lawsuits Are Surging

09.24.26

Jurisdiction, Venue, Removal and Remand in Federal Court

09.01.12

Non-Compete, Confidentiality and Solicitation Materials, and Terminating the Employment Relationship

09.01.03

© 2026 Foster Garvey PC. All Rights Reserved.

Personal Liability for Directors and Managers and Litigation of FLSA Claims

09.01.03

Employment: Creation and Use of An Employment Manual; Agreements and Their Enforceability; and Harassment Suits

08.01.97

Basic Wage & Hour Law in Washington

04.01.97

Employee Handbooks, Hiring, Firing & Employee Contracts

04.01.97

Pleadings and Motion Practice

01.01.95

ER 702 and Expert Opinion Testimony

01.01.94

Connect with John

Phone 509.777.1604

Fax 509.777.1616

Email john.nelson@foster.com

LinkedIn Profile Download vCard

© 2026 Foster Garvey PC. All Rights Reserved.