Foster Garvey

Litigation

Clarity with every decision, *confidence* in every outcome.

Disputes arise from internal matters, such as employee or whistleblower claims, to external matters, such as contract disputes, high-stakes government investigations or protecting intellectual property.

Whatever the dispute, we work with you to assess your needs and identify your key objectives, making sure that you're aware of all your options. Our team will explore creative resolution options ranging from immediate injunctive relief to trial or arbitration and be your strongest advocate to get you to the best possible outcome.

With more than 60 litigation attorneys, we offer clients a formidable team with substantial experience in resolving disputes in virtually all state and federal courts; federal, state and administrative proceedings; and arbitrations and mediations under alternative dispute resolution procedures.

Our attorneys assist clients across diverse industries. The breadth of legal knowledge and depth of our experience allow us to help you make informed decisions about litigation costs, including the use of alternative fee arrangements and detailed budgets that give you more value and enhanced predictability.

Alternative Dispute Resolution

We recognize how disruptive and expensive trial can be and that many lawsuits are often resolved before then. Our Alternative Dispute Resolution attorneys offer a broad base of legal talent skilled in settling disputes outside the courtroom through mediation and arbitration.

Antitrust & Consumer Protection

Our team helps manufacturers, retailers, distributors and other businesses navigate the landscape of business competition, as well as comply with both domestic and foreign antitrust and trade regulations laws.

Appellate

We have decades of experience challenging erroneous court decisions - and defending correct ones - in state and federal appellate courts across our country, ranging from state and federal appeals to the Washington and U.S. Supreme Courts. Our attorneys frequently appear before the Washington Supreme Court in high-profile civil cases involving the constitutionality or interpretation of legislation, the expansion or restriction of contract and common law rules, business and financial disputes, or the scope of governmental powers.

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Class Action Defense

We have extensive experience defending class actions and know how to efficiently manage complex class actions. Our work includes representing retailers, manufacturers, distributors, telecommunications companies, biotechnology companies, software developers and manufacturers, franchises, financial services organizations, real estate companies, health care providers and governmental entities.

Condemnation & Eminent Domain

Our attorneys advise clients in managing property acquisitions and condemnation proceedings, both large and small. We prosecute and defend inverse condemnation cases, including actions relating to property taking through regulation or failure to issue land use permits, as well as noise and odor complaints.

Construction

We have a long history of resolving construction-related disputes, including construction defect claims, design claims, lien claims, contract and change order claims, delay claims, warranty claims and public bid disputes. Our lawyers resolve disputes, whenever possible, with alternative dispute resolution methods, such as mediation, arbitration, mini-trials, or other creative problem-solving methods short of formal litigation. We also have lawyers experienced in handling complex construction matters to a successful conclusion before a judge or jury.

Constitutional Law & Statutory Rights

We address issues including constitutional claims, election disputes, ballot title challenges and litigation over the enforcement or validity of statutes and initiatives. Additionally, we have substantial experience advising candidates, election officials, organizations, and members of the public on election law, including ballot access and integrity provisions of federal law.

Creditors' Rights & Bankruptcy

We have skilled attorneys who dedicate their entire practice to this area of the law. We successfully represent corporations and individuals in a variety of industries that include banking, manufacturing, timber, fishing, real estate and retail. We have extensive experience in proceedings in U.S. Bankruptcy Court and in receivership proceedings in state or federal courts.

Electronically Stored Information Squad (ESI)

Electronic discovery is now a reality in nearly every disputed matter. We help businesses, public agencies and individuals effectively manage this critical component of dispute resolution efficiently and to avoid unnecessary discovery costs.

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We have represented all sizes of companies, from Fortune 500 to small businesses and individuals, and recognize that the most expensive and highest technology solution may not be necessary for every client's needs and litigation strategies. Our attorneys advise clients on document retention policies and use multiple electronic data recovery and management tools to cost-effectively tackle the production and preservation of electronic documents.

The ESI Squad is regularly called upon in litigation, as well as investigation, compliance and general business matters, and includes lawyers, paralegals and information technology specialists.

Emergency Injunction Team

When the stakes are high and every minute counts, our attorneys can lead the way. Experience matters in choosing the appropriate forum in federal or state court, in effectively marshaling and presenting key evidence and in navigating the particular requirements and procedures of courts in different jurisdictions. We'll work closely with you to help you anticipate and overcome the challenges presented in these fast-moving proceedings. Whether you're seeking to prevent disclosure of trade secrets; stop infringement of your patent, copyright or trademark rights; protect security interests or other property rights; or are facing a temporary restraining order or an injunction claim, our experience can make the difference.

Employment & Labor Litigation

Thoughtful planning and foresight can reduce but not completely eliminate an employer’s exposure to employment-related disputes and claims. When claims - whether individual or class action - are made or lawsuits filed, effective advocacy is essential. We have extensive experience successfully defending virtually every kind of employment and labor claim before administrative and governmental bodies, arbitration proceedings and in federal or state courts.

Environmental Litigation

Our attorneys handle all aspects of environmental law and regulations and have a wealth of litigation experience, from trials in state and federal courts to contested hearings before administrative agencies. We have deep experience in a wide range of areas, including air quality, brownfields and contaminated property, ESA, environmental enforcement and citizen-suit actions, environmental insurance litigation, hazardous waste and cleanup, SEPA/NEPA, environmental impact and land use, solid waste, water quality, and water rights.

Financial Institutions Litigation

We restructure commercial and agricultural credits and work in all aspects of foreclosure and bankruptcy law including loan workouts, restructuring, collections, foreclosures, receiverships and bankruptcy. Many of our clients have acquired institutions that have substantial portfolios of delinquent or troubled loans, and we have assisted them with due diligence reviews of troubled loan portfolios and large-scale workouts

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following an acquisition. Additionally, we assist clients in connection with white-collar defense and investigations.

Health Care Litigation

We assist clients with the full spectrum of health care disputes and litigation including Certificate of Need appeals, payment disputes, billing and reimbursement actions, fraud and abuse self-disclosure and defense, government investigations, *qui tam* False Claims Act litigation, HIPAA and HITECH enforcement actions, commercial and contract disputes, licensing actions, medical staffing matters, employment discrimination and wrongful termination actions, and labor disputes.

Insurance Coverage

We help policyholders solve a wide range of insurance coverage problems. Our attorneys vigorously pursue the maximum possible coverage and zealously advocate for the broadest possible application of insurance law and interpretation of coverage provisions. We regularly litigate bad faith and statutory claims against insurers engaged in bad faith coverage assessments or claims handling.

Intellectual Property

We develop and execute effective strategies in IP disputes, including patent, copyright, trademark, licensing and trade secret matters. Our representation of both plaintiffs and defendants better positions us to accomplish favorable outcomes for our clients. The team's skilled patent litigators have significant experience in post-grant procedures and *inter partes* review as well as covered business method post-grant review, ex parte and *inter partes* reexaminations. Our creative approach in these matters has led to an unrivaled track record of success.

Investment Management

We advise institutional investors, including public pension funds, universities and endowments, and provide sophisticated and efficient counsel to clients on a broad range of alternative investment transactions. Our attorneys have successfully handled numerous dispute and litigation matters in connection with alleged breaches of contract or fiduciary duty, defense of clawback actions, insurance coverage claims, real estate and securities lending.

Land Use Litigation

We represent clients in contested administrative appeals before hearing examiners, city and county councils, and state administrative boards, and have handled appeals at all levels of state and federal courts. Our attorneys are experienced in securing permit approvals, challenges to private and public projects and work extensively with our clients in settlement negotiation, mediation, arbitration and other forms of alternative dispute resolution.

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Privacy, Cybersecurity & Data Protection

We regularly advise businesses and individuals on legal issues relating to privacy, cybersecurity and data protection, and information management. Our attorneys have the skills, knowledge and experience to help you address these privacy and cybersecurity issues in a practical manner in prevention counseling and in the context of individual and class action claims.

Public Records & Open Government

We have direct experience working with the public records and disclosure obligations of nearly every type of public entity, including cities, counties, school districts, public utility districts, port districts, public hospital districts, and housing authorities. Our experience includes assisting with drafting or responding to public records updating entities' policies and procedures, and providing training to help ensure an entity's compliance with current legal requirements, including one-on-one training for its public records officer or a half-day session for the entity's staff, and offering litigation services to defend public records request responses or prosecute requests in the applicable regulatory or court proceedings; and, litigation support for private interests to protect from disclosure confidential or proprietary information.

Real Estate Litigation

We represent sellers and purchasers, lenders and borrowers, landlords and tenants, and plaintiffs and defendants in the full spectrum of commercial and residential real estate disputes, including those involving the purchase and sale of real property, judicial and non-judicial foreclosures, leases and housing discrimination. Our attorneys represent parties in all levels of state and federal (including bankruptcy) courts, before administrative agencies, and in all forms of alternative dispute resolution, including arbitration and mediation.

Securities Litigation

We have extensive experience litigating securities claims, both in court and in arbitration. We have represented numerous publicly traded companies, private corporations, governmental entities, directors and officers, and other individuals on claims raised by shareholders and investors. Our attorneys also have experience representing broker-dealers and registered representatives in arbitration proceedings before FINRA (formerly the NASD), the NYSE, and the American Arbitration Association, as well as experience representing individuals, auditors, and corporations in disciplinary and regulatory proceedings before the SEC, FINRA, and the CBOE.

White-Collar Defense & Investigations

We represent business directors, chief executives, and other officers in trial and appellate courts against a variety of federal and state prosecutions in matters involving financial issues, bank fraud, health care fraud, environmental offenses, and other criminal and civil enforcement proceedings.

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