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Selected Representative Matters
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Real Estate Litigation

Commercial Lease: Landlord Representation – Multiple judgments obtained and favorable settlements achieved through mediation, judicial settlement conferences, and direct negotiations for commercial landlords on breach of lease against commercial tenants and actions on guaranty against guarantors in Oregon and Washington state court (e.g., unpaid rent, damage to premises following surrender, lease termination rights, delay in delivery of premises, etc.).

Condemnation Judgment: Affirmed on Appeal – Induced settlement for 20 times the initial offer of compensation in condemnation proceedings by transportation authority against residential real property owner in Portland; obtained trial court judgment for full amount of attorney fees and costs incurred in proceeding; successfully defended that judgment on appeal before the Oregon Supreme Court ([TriMet v. Aizawa & Noble-Irons, 362 Or. 1 \(2017\)](#))

Secured Creditor Representation – Negotiated security interest from Portland multi-family developer in consideration of amounts owed to general contractor and priority subordinations and forbearances with other secured creditors in foreclosure proceedings; obtained judgments of foreclosure and money awards for full amount of money damages, attorney fees, costs, and interest; secured relief from subsequent bankruptcy stay to proceed sheriff's sales where prevailed as winning bidder through credit bids; following expiration of redemption rights, facilitated refinance for client to pay off remaining creditors and take clear title.

Tenants-in-Common Representation – Successfully defended group of 27 tenants-in-common (TIC) owners of portfolio of commercial real property valued in excess of \$20M in multi-state litigation (Alabama and Georgia) brought by developer for specific performance and breach of contract after failure to tender purchase price; directly negotiated dismissal with prejudice of lawsuits and release of notices of lis pendens and favorable terms as to waterfall for sharing of sale proceeds after marketing and sale of portfolio to new buyer.

Business & Commercial Litigation

Defective and Non-Conforming Materials – Favorable result obtained at judicial settlement conference in Oregon state court for contractor in claim against materials supplier for delivery of defective and non-conforming materials; recovered portion of money damages and attorney fees and costs.

Breach of Contract: Complete Defense – Successful defended metal fabricator in Oregon state court against claims for account, account stated, and breach of contract on purported promissory note and judicial foreclosure on purported security agreement; obtained general judgment of dismissal with prejudice; client avoided payment of any funds to plaintiff.

Commercial Debt Collection: Creditor Representation – Multiple judgments obtained and favorable settlements achieved through mediation, judicial settlement conferences, and direct negotiations for closely held businesses on unpaid invoices and other business debt owed, inclusive of attorney fees, costs, and statutory or contractual interest on multiple occasions in Oregon and Washington state court and in various other jurisdictions nationwide (Hawaii, Missouri, Virginia, etc.).

Unlawful Trade Practices Complete Defense – Motion to dismiss granted and general judgment of dismissal obtained for vehicle assembly company against complaint for unlawful trade practices and fraud in Oregon state court.

Public Accommodation Discrimination: Retailer Representation – Obtained dismissal for national retailer of series of discrimination in places of public accommodation claims in Oregon state court at mediation and in direct negotiation; negotiated client payment of fraction of prayer in each instance.

Corporate Litigation

Closely Held Shareholder Dispute: Healthcare – Successfully prosecuted 21-claim complaint in Oregon state court by two of three shareholders against the third and a number of entities that the third shareholder controlled in closely held professional corporation dispute (misappropriation and commingling of assets, self-dealing, unlawful distribution, fraud, conversion, and breaches of director, officer, loyalty, and good faith duties, etc.); negotiated agreement at mediation for wind up of corporation on terms favorable to clients and partial payment of damages and attorney fees.

Expulsion of Partner from Medical Practice – Obtained favorable result at mediation for medical practice sued in Oregon state court by former partner arising out of his expulsion from partnership.

Closely Held Shareholder Dispute: Transportation – Successfully defended closely held trucking company in Oregon state court in shareholder dispute; negotiated client's payment of fraction of prayer with favorable terms at judicial settlement conference.

Securities Fraud – Prosecuted to judgment securities fraud and other related claims arising out of business owner absconding with investor funds; executed on judgment by domesticating in Arizona and seizing funds held in issuer's bank account and obtaining orders of continuing liens against issuer's income streams.

Employment Litigation

Workplace Discrimination: Employee Representation – Successfully prosecuted employment discrimination and wrongful termination claims for four Spanish-speaking kitchen workers against former employer (six-figure settlement at mediation).

Workplace Discrimination: Employer Representation – Achieved favorable result at mediation defending nutrition supplement manufacturer against age discrimination claim (de minimis settlement amount).

Wrongful Termination: Employee Representation – Participated in successful prosecution of religious discrimination, wrongful termination, and breach of contract claims by group of six former management-level employees in Oregon state court (multi-million dollar recovery at mediation).

Unpaid Wages: Employee Representation – Achieved favorable result at mediation in prosecution of breach of contract and statutory unpaid wage claims by two former management-level employees in Oregon state court (majority of damages inclusive of interest and attorney fees and costs).

Insurance Coverage

Inter-Carrier Recovery – Successfully prosecuted numerous inter-carrier claims for recovery of excess defense costs or indemnity paid by client because of failure by other carriers to participate in common insured's defense in Oregon state court; obtained summary judgment in several instances (once affirmed on appeal before the Oregon Court of Appeals) and directly negotiated favorable settlements on numerous occasions for recovery of majority of amounts sought by client (arose out of commercial

general liability (CGL) policies issued to common insureds and construction defect litigation against those insureds).

Life Insurance Proceeds – Prevailed at summary judgment in defense of surviving spouse against lawsuit brought in Oregon state court by deceased husband's children from prior marriage for share of life insurance proceeds.

Coverage Counsel: Insured Representation – Advised insureds on numerous occasions in Oregon personal injury lawsuits on potential exposure to judgment in excess of their coverage limits; advocated for clients with their insurance carriers; interfaced with plaintiff's counsel; in each instance, cases resolved prior to trial within client's policy limits.

Coverage Counsel: Insurance Carrier Representation – Reviewed numerous claim files and authored numerous insurance coverage opinions for carriers on third-party claims; attended mediations on many occasions and participated in multiple direct settlement negotiations in conjunction with those efforts (in each instance, resolution of claim achieved prior to trial).

Trust & Estate Litigation

Breach of Fiduciary Duties – Obtained removal from inventory of estate's claim against beneficiary arising out of disputed loan by decedent and surcharge of personal representative for attorney fees and costs based on breach of fiduciary duties in Oregon state court.

Estate Beneficiary Dispute – Successfully objected to final accounting and petition for distribution on behalf of estate beneficiary because of self-dealing, misappropriation, waste of estate assets, and other improprieties by personal representative in Oregon state court.

Surety Representation – Negotiated favorable settlement at mediation for surety and former personal representative of estate in surcharge action for breach of fiduciary duties in Oregon state court.

Property Dispute – Successfully defended sister from her sister's claims to nullify gift of real property (multiple rental units) for estate planning purposes in Oregon state court; negotiated partial preservation of gift (retention of several rental units) and payment of portion of money damages and attorney fees and costs to offset client voluntarily returning several rental unit.