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Law Practice

LAW PRACTICE:

David Morrison is a veteran trial attorney with forty years of experience in state and federal courts in Oregon and Washington. David's practice focuses on railroad, personal injury, toxic torts, products liability, Oregon Employers Liability Act claims, construction, contracts and real estate disputes, as well as environmental and employment litigation. He has tried over 100 cases.

REPRESENTATIVE CASES:

Obtained defense verdict in favor of BNSF Railway in an employee lawsuit for permanent injury and disability based on claimed violations of the Federal Employer Liability Act and the Locomotive Inspection Act.

Obtained defense verdict for BNSF Railway in case brought by one of its employees who claimed back injury and disability caused by alleged defective locomotives, seats and track.

Successfully resolved fire trespass case where plaintiff claimed damages of approximately \$12 million due to loss of house, structures (including an historic flume) and over 10,000 destroyed trees. Plaintiff's treble damage claim under Washington statute was dismissed on summary judgment and affirmed on appeal. Retained appraisals for both the land and the trees to combat plaintiff's four experts. Dispute was complicated by Columbia Gorge approvals for a resort on plaintiff's property. Case was ultimately settled for about one-tenth of the amount claimed.

Obtained summary judgment for contractor/manufacturer in products liability suit seeking indemnity of \$7.6 million.

Successfully defeated a suit by a developer/buyer seeking to enforce real estate sale agreement. The contract

INDUSTRIES

- Construction
- Healthcare
- Manufacturing
- Railroad

PRACTICE AREAS

- Arbitration & Mediation
- Business & Commercial Litigation
- Construction Services & Litigation
- Environmental Law & Toxic Torts
- Personal Injury & Property Damage Liability
- Product Liability
- Real Estate Law

was instead rescinded allowing the sellers to resell their property for an additional \$1.9 million and recoup attorney fees.

Obtained a greater than \$1 million judgment for contractor against commercial developer and defeated a \$2 plus million counterclaim.

Secured summary judgment in favor of owner of large building complex avoiding low income housing obligations under the Federal Low Income Housing Tax Credit Program.

Represented homeowner's association (121 units) in construction defect case against developer, contractor and window manufacturer resulting in an agreement to perform a complete repair at no cost to the HOA, plus a cash settlement.

Prevailed in contribution/indemnity claim against general contractor arising out of a C-1 quadriplegic injury.

Obtained multiple six figure judgments in favor of contractors performing commercial work including soil, foundations, parking lots, framing, siding and roofing.

Successfully defeated \$1 million punitive damage claim and limited wrongful death damages to below \$10,000 in defense of residential care facility.

Obtained more than ten defense verdicts from juries in actions where negligence was admitted.

Education & Bar Admissions

EDUCATION & BAR ADMISSIONS:

A lifelong Oregon resident, David graduated Phi Beta Kappa from the University of Oregon in 1974. He earned his law degree in 1977 and was a member of the Law Review at Northwestern School of Law, Lewis & Clark College. While attending law school, David clerked for the Honorable Charles S. Crookham, a Multnomah County Circuit Court Judge.

David was admitted to the Oregon State Bar in 1977 and Ninth Circuit Court of Appeals in 1983.

Activities

PROFESSIONAL:

- Member of the National Association of Railroad Trial Counsel (NARTC), Former Regional President. Current member of the Program, Budget and Executive Committees
- Member of the American Board of Trial Advocates - Current Vice President - Oregon Chapter
- ALFA International, Business Litigation Practice Group, Steering Committee

Recognition

RECOGNITION:

- *Best Lawyers'* 2014 "Lawyer of the Year" for Personal Injury Litigation - Defendants - Portland, Oregon
- Listed in *Best Lawyers in America*, in the practice areas of:
 - Personal Injury Litigation - Defendants
 - Product Liability Litigation - Defendants
 - Railroad Law
- Listed in *Oregon Super Lawyers* - Business Litigation
- American Lawyer Media and Martindale-Hubbell - 2013 Top Rated Lawyers in Transportation Law

COSGRAVE VERGEER KESTER^{LLP}
Attorneys

- Fellow of the Litigation Counsel of America
- Highest rating (“A.V.”) Martindale-Hubbell