COSGRAVE
VERGEER KESTER

# Jason H. Daywitt

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## Law Practice

Jason's practice focuses on complex litigation, including the defense of product liability, toxic tort, environmental and commercial litigation claims. He has diverse trial court experience, having tried cases, mediated or argued dispositive motions in Oregon, Washington, Idaho and California courts. In addition to his trial practice, Jason has successfully mediated or arbitrated hundreds of other cases throughout the Pacific Northwest.

Best Lawyers® has recognized Jason for inclusion in its *The Best Lawyers in America* list since 2019, including selections for Mass Torts/Class Actions (2019–2027), Product Liability Litigation – Defendants (2024–2027), and Commercial Litigation (2024–2027). Jason serves as national counsel for several product manufacturers and distributors in toxic tort litigation, overseeing strategic planning, discovery, motions practice, expert witness development, settlement negotiations and trial. His experience also includes the representation of agricultural cooperatives, product manufacturers and distributors, property owners, lessees, and other commercial entities in pre-suit disputes, along with litigation in state and federal courts.

## INDUSTRIES

Healthcare

Insurance

Manufacturing

Professional Services

Trucking and Motor Carrier

## PRACTICE AREAS

Environmental Law & Toxic Torts

Personal Injury & Property Damage Liability

Product Liability

Professional Liability

## Representative Cases

- Defense verdict in a $1.2 million medical malpractice claim against a local trauma hospital and emergency

physician relating to an alleged failure to diagnose and treat a knee fracture.

- Co-defended an industrial laundry products distributor in a two-week product liability trial involving alleged asbestos exposure, resulting in a *de minimis*
- Obtained dismissal of a $5 million timber trespass claim against a family farming business for alleged pesticide drift to adjacent property, including dismissal of double damages claim and attorney fees.
- Successfully argued motion to dismiss a multi-million dollar product liability claim against the subsidiary of a Fortune 100 chemical company based on statute of limitations.
- Successfully represented an agricultural cooperative in a $2.8 million claim relating to alleged contamination of animal feed with botulism. Obtained partial summary judgment on implied warranty claims, resulting in favorable settlement of all claims.
- Represented a senior living facility in a wrongful death claim relating to a resident drowning in a spa pool.
- Successfully represented at trial a large roofing contractor in an environmental pollution claim relating to past ownership and operation of a development property, resulting in favorable settlement.
- Obtained summary judgment in a $1.5 million product liability claim against a joint compound manufacturer based on conflict of laws and statute of limitations analysis.
- Successfully briefed and argued for application of government contractor defense in a three-week product liability trial against a U.S. Navy pump supplier, resulting in favorable settlement.
- Prevailed on summary judgment in a medical malpractice claim against a hospital and trauma surgeons relating to alleged delay in treating a partial arm amputation.
- Advocated for successful settlement of a claim against an ambulance service provider for alleged untimely response to accident scene.

# Education & Bar Admissions

Jason graduated with a bachelor's degree from Washington and Lee University in Lexington, Virginia. He earned his law degree from the University of Oregon School of Law in 1999, where he served as Editor-in-Chief of the *Journal of Environmental Law and Litigation*.

Jason was admitted to the Oregon State Bar in 1999, and the Washington State Bar in 2001. He is also admitted to practice in the United States District Courts for the District of Oregon, and the Western District of Washington.

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# Awards

*The Best Lawyers in America*®, Mass Tort Litigation/Class Actions – Defendants (2019–2027); Product Liability Litigation – Defendants (2024–2027); Commercial Litigation (2024–2027); Personal Injury Litigation – Defendants (2026–2027)