

## Chase C. Alvord

Managing Member

calvord@tousley.com

direct: 206.682.5600

fax: 206.682.2992



## Professional Experience

Chase has been a commercial litigator and trial lawyer in Seattle since 1996 and concentrates his practice in the areas of commercial litigation, real estate and construction litigation, insurance coverage (policyholder), and class actions/complex litigation. He also represents the firm's clients in creditor-side bankruptcy matters in Washington and Oregon. He began his career in a large, regional law firm before joining Tousley Brain Stephens in 2001 and becoming an owner in 2004. Chase has represented individuals, publicly-traded companies, and privately-held businesses. He has been recognized by the Bar for his pro bono service, as a Rising Star by Washington Law and Politics, as a Best Lawyer in America in the area of Construction Litigation by Best Lawyers®, and is rated AV Preeminent® by Martindale-Hubble®. Chase has handled cases up and down the west coast, from Hawaii to Alaska, New York, and Florida, and before the Washington and Oregon State and Federal trial courts, the Washington State Court of Appeals, and the Washington Supreme Court.

## Real Estate, Land Use, and Construction Litigation

Obtained a permanent injunction and attorney fee judgment for owner of downtown Seattle shopping center against national retail tenant for violating radius restriction in lease.

Obtained defense verdict after trial for Roche Harbor homeowners association against multiple claims for violation of Washington's HOA governance statute.

Obtained arbitration award for owner of Bellevue Galleria preventing retail tenant's exercise of lease renewal option on the basis of prior lease defaults.

Represented Queen Anne condominium association in multi-million dollar property damage claim against downslope developer and first-party insurers. Obtained multiple settlements through litigation and arbitration, enabling complete repair of client's building.

# Tousley Brain Stephens

Represented 50-unit International District condominium association in multimillion dollar construction defect claim against original developer. Settlement resulted in funding of complete repair and recladding of building.

Represented Seattle general contractor in recovering on builder's risk insurance claims and contract claims arising out of Capitol Hill mixed-use development. Claims resolved on confidential basis.

Obtained significant settlements for national engineering firm in multiple professional service lien foreclosure actions by asserting lien priority over subsequent mortgages.

Obtained judgment after trial for construction contractor in construction lien priority dispute with senior lender. Court awarded client judgment for full contract amount plus interest and all attorney fees.

Defended real estate licensee and broker in action alleging nondisclosure of defects arising out of sale of a \$13 million waterfront estate. Obtained summary judgment of the majority of plaintiff's claims before trial and settled remaining claim during trial for an amount less than 4% of plaintiff's demand to the jury.

Defended real estate licensees and broker in action alleging nondisclosure arising out of sale of \$1.3 million commercial property. Obtained summary judgment dismissing plaintiff's claims and a judgment against plaintiff and its attorney for attorney fees expended on defense.

Successfully defended several developers and owners in Land Use Petition Act (LUPA) and State Environmental Protection Act (SEPA) appeals.

Represented owner of 10,000 s.f. warehouse in breach of lease action against original tenant, assignee, and successor entities as well as the lease guarantor. Obtained judgment against guarantor before he removed case to bankruptcy court. Once case was removed obtained summary judgment of liability and favorable monetary settlement from tenant and its successor entities.

Represented homeowner defendants in hard-fought neighborhood view covenant disputes. Plaintiff dismissed case on eve of trial.

Represented multiple property owners and loan guarantors in property foreclosure proceedings.

Successfully prosecuted and defended several adverse possession cases.

## Insurance Coverage

# Tousley Brain Stephens

Obtained judgment against title insurance company for failure to act on client's claim arising out of neighbor's claim of adverse possession.

Represented corporate officer denied coverage under employment practices policy. Case settled at mediation without filing suit.

Represented developers of condominium conversion projects in triggering defense under commercial liability policies.

Represented vessel owner in first-party fire claim against claim of arson by insurer. Claim was resolved in favor of vessel owner.

Represented former owner of multi-family senior housing project in claims for construction defects against general contractor and first party insurers. Client ultimately obtained eight figure settlement from contractor and seven figure settlement from insurer.

Successfully obtained without litigation reimbursement of litigation costs for physicians association after insurer initially denied responsibility.

## Commercial and Business Litigation

Co-lead plaintiff's counsel in Proview Technology, Inc. v. AUO Optronics, et al. (N.D. Cal.). Represented California-based seller of computer monitors and televisions in antitrust case alleging price-fixing by foreign manufacturers of LCD-panels. Case settled on confidential terms after three years of litigation.

Represented inventor of hybrid artificial/natural athletic playing field surface in multimillion-dollar breach of contract action arising out of sale of patents and trademarks. Case settled on confidential terms.

Represented inventor and holder of patent for batting helmet faceguard against national sporting goods companies. Case settled on confidential terms.

Represented e-commerce company in defense of claim of trademark infringement by national retailer. Case settled on confidential terms.

Represented copyright holders in federal court infringement actions.

Represented trademark holder in infringement action involving nationally distributed cosmetic brand. Case settled on confidential terms.

# Tousley Brain Stephens

Successfully defended individual officer of development entity against multi-million dollar claims of piercing the corporate veil/fraudulent transfer.

Represented former shareholders in litigation arising out of \$52 million sale of construction company with active construction project backlog. Case settled favorably after obtaining partial summary judgment significantly reducing scope of adverse party's claims.

Multiple representations of LLC members and corporate shareholders in closely-held entity disputes.

Obtained refund of six-figure real-estate excise tax payment on behalf of title insurer.

Multiple representations of creditors in bankruptcy proceedings and state court litigation.

## Class Action Litigation

As class counsel in *Ikuseghan v. Multicare Health System*, U.S. District Court for the Western District of Washington, represented a nationwide class in resolving claims under the Telephone Consumer Protection Act (TCPA). The case settled after defeating Multicare's motion to dismiss and obtaining class certification. In approving the subsequent settlement and fee award, District Judge Benjamin Settle noted that "class counsel obtained an extraordinarily good result for the class following an arm's-length negotiation. Under the approved settlement, class members will receive as much as they would have received had they successfully litigated their claims under the TCPA. This recovery is significantly superior to other TCPA class action settlements that have been approved in this Circuit." With individual recoveries of class members ranging from \$2,500 to over \$19,000 per approved claim, the settlement is believed to be one of the largest individual class member recoveries in any TCPA case.

Current class counsel in *In re: Premera Blue Cross Customer Data Breach Litigation* (MDL, D. Or.). The lawsuit alleges that Premera allowed a massive breach of its data systems, permitting hackers access to the personal, medical, and financial information of more than 11 million Premera subscribers and employees.

Class counsel in *Spafford v. Echostar* (W.D. Wa.), a class action against Dish Network for violating Washington's statute prohibiting the use of robocalls for commercial solicitation. Successfully defended the statute against constitutional attack on motion to dismiss (448 F.Supp.2d 1220), allowing the court to thereafter certify a settlement class and approve injunctive relief.

## First Amendment

# Tousley Brain Stephens

City of Seattle v. Mighty Movers, Inc., 112 Wn. App. 904 (2002). Represented commercial advertiser in striking down Seattle's poster ban as unconstitutional under the Washington State Constitution. Although the decision was subsequently reversed by the Supreme Court in a 6-3 decision, the case led to the revision to the City's ordinance to permit previously banned speech.

Counseled multiple state commodity commissions on First Amendment issues arising from the funding of generic advertising through mandatory assessments after federal court ruling striking down Apple Commission statute.

Successfully defended Washington statute prohibiting pre-recorded telemarketing calls against First Amendment challenge. Spafford v. Echostar Communications, 448 F. Supp. 2d 1220 (W.D. Wash. 2006)

## Education

J.D., cum laude, Willamette University College of Law

Associate Editor, Willamette Law Review

B.A., English, Furman University

## Admissions

Washington

Oregon

U.S. District Court for the Western District of Washington

U.S. District Court for the Eastern District of Washington

U.S. District Court for the District of Oregon

U.S. Court of Appeals, Federal Circuit

Puyallup Tribal Court

## Professional and Community Involvement

Washington State Bar Association (Real Property and Construction Law Sections)

Federal Bar Association, Pro Bono Committee

American Bar Association, Litigation Section and Insurance Coverage Litigation Committee

Board Member, Wellspring Family Services

# Tousley Brain Stephens

Former Board Member, Pomegranate Center

Fellow, Construction Lawyers Society of America

## Publications and Presentations

Speaker: Remedies: Enforcement and Protection of Rights in Real Estate and Real Estate-Related Transactions, WSBA Real Estate Boot Camp, 2008

Speaker: Ethics for Real Estate Attorneys, 2007-2008.

Program Co-Chair: Beyond Boot Camp: Real Estate, WSBA CLE, 2009

## Professional Recognition

Commended by the Washington State Bar Association for his pro bono service (2003)

Repeatedly recognized as a "Rising Star" in Washington Law & Politics magazine

Designated as one of The Best Lawyers in America in Construction Law by Best Lawyers®

AV-Peer Review™ Rated in Martindale-Hubbell®