

# Tousley Brain Stephens

## Christopher I. Brain

Member

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## Professional Experience

Chris, a co-founder of Tousley Brain Stephens PLLC, focuses his practice on complex real property, commercial and class action litigation. He has handled litigation regarding purchase agreement disputes; specific performance and foreclosure actions; restrictive use covenants and construction; ownership and management of closely held businesses including complaints of fiduciary breach; disputes by and among partners or shareholders in closely held entities; and employment issues related to restrictive covenants. Chris also has served as an arbitrator on numerous commercial cases, through both private selection and as an AAA arbitrator, and as a private mediator. He personally and with partners has participated in a number of real estate development projects.

## Real Estate, Land Use, and Construction Litigation

Tried and argued *Riss v. Angel*, 131 Wn.2d 612 (1997), lead decision by Washington Supreme Court dealing with scope of restrictive covenants relating to use of real property and duties and responsibilities of homeowners association.

Tried numerous cases relating to the sale, lease, and acquisition of commercial/retail real properties including specific performance and damages claims.

Tried numerous cases regarding the respective rights of parties related to the use of commercial easement for ingress and egress.

Tried numerous cases regarding restrictive covenants in both residential construction as well as commercial and lease restrictions.

Tried and argued the first declaratory judgment action in the state of Mississippi related to a corporation owned by two national proprietary health care companies. The case involved the respective rights of owners and managers, and included claims related to mergers and acquisitions.

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Defended borrowers and guarantors on commercial loans and loan guarantees.

## Commercial and Business Litigation

Tried *Perry v. Moran*, 109 Wn.2d 691 (1987) and 111 Wn.2d 885 (1989), lead case decided by Washington Supreme Court related to enforcement of employment restrictive covenants.

Handled numerous cases on behalf of employees and employers regarding restrictive covenants.

Tried and consulted on disputes by or among partners or shareholders of closely held entities.

## Class Action Litigation

As co-lead class counsel In Re Louisiana Pacific, litigated and negotiated settlement of one of the largest national construction products defect cases relating to LP Inner Seal exterior siding. Over \$700 million was paid to claimants.

As co-lead class counsel In Re Williams v. Weyerhaeuser, litigated and negotiated settlement of national class action related to Weyerhaeuser hard board exterior siding products, a \$200 million settlement.

## Education

J.D., Willamette University College of Law

B.A., University of Washington

## Admissions

Washington

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

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

U.S. District Court for the District of Oregon

## Professional and Community Involvement

Washington State Bar Association (Trial Practice and Real Property Sections)

# Tousley Brain Stephens

American Arbitration Association – Arbitrator

American Trial Lawyers Association

ADR Roundtable

## Publications and Presentations

Author and Speaker: Advanced Real Estate Purchase and Sales Conference, Enforcement, Real Estate Purchase and Sales, Law Seminars International (1998-2018)

Author and Speaker: Commercial Real Estate Leases – Commercial Lease Remedies, Law Seminar International (2008-2017)

Author, Speaker and Program Co-Chair: Development Agreements, Easements and CCR's – Litigation of Disputes Over Easements and CCR's, Law Seminars International (2006-2015)

Author, Speaker and Program Co-Chair: Commercial Real Estate Workouts and Remedies, Law Seminars International (2008-2010)

Speaker: Innovative Strategies for Litigating Class Actions, Settlement Strategies and Issues, Law Seminars International (2008-2009)

Author, Speaker and Program Co-Chair: WSBA Real Estate Boot Camp, Washington State Bar Association (2008)

Instructor: University of Washington Certified Program in Commercial Real Estate (1998-2018)

Author and Speaker: Commercial Litigation Posturing in Real Estate Cases, King County Bar Association

Author and Speaker: Judicial Foreclosure, King County Bar Association

## Professional Recognition

Repeatedly recognized as a top 100 "Super Lawyer" in Washington Law & Politics magazine

Designated as one of the 100 Best Lawyers in Washington by Seattle magazine

Designated as one of The Best Lawyers in America in Commercial Litigation and Real Estate Law by Best Lawyers®

AV-Peer Review™ Rated in Martindale-Hubbell®