



Jessica L. Goldman

Litigation
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Profile Introduction

Jessica is a highly experienced legal advisor and litigator. In addition to representing clients in a broad range of business and commercial disputes, she has a unique concentration in First Amendment and related litigation. No matter the scale, scope or subject matter of the dispute, Jessica aligns her in-depth litigation experience with her clients' knowledge of their own businesses and markets in order to develop an effective, goal-driven litigation strategy. From the earliest stages, Jessica pursues two key goals: enabling her clients to make informed decisions and resolving disputes in a manner that is most advantageous for her client.

Jessica regularly represents clients in trial and appellate courts, with a strong track record of winning cases on summary judgment. She has substantial experience litigating in the Western District of Washington and the Ninth Circuit Court of Appeals. Her representation, including as a litigator and a negotiator, is focused on supporting her client's core business and other objectives.

Jessica has been recognized by a number of industry and legal journals for the excellence of her counsel and client service. In selecting Summit Law Group as Washington State's most distinguished litigators in 2020, *Benchmark Litigation* noted that "Jessica Goldman is addressed by a peer as 'the best First Amendment litigator in Washington, who also focuses on IP and business divorces.'" She has been honored by *Best Lawyers* since 2008, recognized by *Benchmark Litigation* as a "Washington State Litigation Star" for several years running, and included in *Super Lawyers* for the last twelve years, among other honors.



In her First Amendment practice, Jessica has represented clients in cases involving issues such as defamation, commercial speech, privacy, access, prior restraint, reporters' shield laws, public records, and newsgathering torts. She has been repeatedly recognized by her peers and honored in *Best Lawyers* as First Amendment Lawyer of the Year for Seattle. Among other clients, Jessica has represented the City of Seattle, *The Seattle Times*, *The Stranger*, *The Portland Mercury* and Kaiser Health News in First Amendment matters. Jessica also frequently advises government agencies and elected officials on responses to public records requests and routinely defends clients in Public Records Act litigation.

Jessica's commercial litigation practice is equally robust. She has represented individuals and businesses in a broad range of intellectual property, trade secret, false advertising, breach of contract, business fraud, tortious interference and non-compete cases. Jessica has earned a well-deserved reputation for successfully litigating homeowners' association cases and has represented numerous associations, individual board members and homeowners. Among her higher-profile cases, she has defended and prosecuted claims alleging racketeering, breach of fiduciary duty, consumer protection and fraud.

[Jessica L. Goldman](#)

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Representative Cases/Matters

First Amendment and Other Constitutional Litigation

- Obtained [summary judgment](#) on behalf of the City of Seattle in a First Amendment challenge to the City's Fair Chance Housing Ordinance. *Yim v. City of Seattle* (W.D. Wash. 2021).
- Obtained [dismissal](#) of claims under the Equal Protection, Contracts and Supremacy Clauses in defense of the City of Burien's grocery workers hazard pay ordinance. *Northwest Grocery Ass'n v. City of Burien*



(W.D. Wash. 2021).

- Obtained [dismissal](#) of a Consumer Protection Act claim and summary judgment in a \$26 million, high-profile defamation lawsuit against a newspaper. *Delashaw v. Seattle Times Co.* (W.D. Wash. 2018, 2020).
- Successfully defended the City of Seattle against a First Amendment petition claim brought by a local business. *Teriyaki v. Wok* (W.D. Wash. 2020).
- Obtained summary judgment of defamation claims against a newspaper along with a fee award. *Dickerson v. Index Newspapers, LLC* (Multnomah County, OR Superior Court 2020).
- Obtained dismissal of a defamation lawsuit against the City of Seattle brought by two police officers based on statements made by a member of the City Council. *Miller v. Sawant*, 2019 WL 998334 (W.D. Wash. 2019).
- Represented the City of Seattle in the Western District of Washington and before the Ninth Circuit Court of Appeals in a lawsuit brought by the yellow pages industry alleging that a city ordinance violated the First Amendment and Commerce Clause of the US Constitution. *Dex Media West v. City of Seattle*, 696 F.3d 952 (9th Cir. 2012).
- Represented Cable News Network and Turner Broadcasting Systems in a Montana lawsuit regarding the application of the Fourth Amendment of the US Constitution to ride-alongs by the news media. Jessica litigated the case from the District of Montana to the Ninth Circuit Court of Appeals, and then to the United States Supreme Court. *Wilson v. Layne*, 526 U.S. 603 (1999).
- Obtained summary judgment dismissal in King County Superior Court of defamation claims brought against *The Seattle Weekly* involving an article about a well-known artist.
- Obtained a defense judgment in a Douglas County Superior Court defamation suit brought against *The Wenatchee World*.
- Provided pre-publication review for broadcasters, newspapers and other publications, including a Random House Spanish-language book on a controversial Mexican artist.

Intellectual Property Litigation

- Obtained summary judgment in favor of a small Washington-based airline sued for trademark infringement by a publicly traded bus manufacturing company. *New Flyer Industries Canada v. Rugby Aviation, LLC*, 405 F. Supp. 3d 886 (W.D. Wash. 2019).
- Represented a small telecommunications company plaintiff against a competitor that stole the plaintiff's trade secrets and interfered with the plaintiff's employment and customer contracts. The case resulted in a judgment of more than \$6 million. *Straitshot Communications, Inc. v. Telekenex, Inc.*, 2012 WL 5880293 (W.D. Wash. 2012).

Real Estate Litigation

- Obtained summary judgment in favor of residential tenants in forcing the sale of a house subject to a purchase option, in addition to winning a substantial fee award and sequestration of proceeds pending appeal, and affirmance of two appeals. *Smith v. Phillips* (King County Superior Court 2018); *Smith v. Phillips*, 12 Wn. App. 2d 1066 (Wash. Court of Appeals Div. I 2020); *Smith v. Phillips*, 15 Wn. App. 2d 1003 (Wash. Court of Appeals Div. I 2020).



- Defended a homeowners' association and its board members in a vast federal racketeering and breach of fiduciary duty case brought by 30 homeowners, including filing five successful dispositive motions which resulted in a defense judgment on the eve of trial and affirmance by the Ninth Circuit Court of Appeals. *Ortego. v. Lummi Island Scenic Estates Community Club, Inc.*, 2016 WL 6836885 (W.D. Wash. 2016); *Ortego. v. Lummi Island Scenic Estates Community Club, Inc.*, 2016 WL 11621955 (W.D. Wash. 2016); *Ortego. v. Lummi Island Scenic Estates Community Club, Inc.*, 2016 WL 11622010 (W.D. Wash. 2016); *Ortego. v. Lummi Island Scenic Estates Community Club, Inc.*, 2016 WL 1720763 (W.D. Wash. 2016); *Ortego. v. Lummi Island Scenic Estates Community Club, Inc.*, 2015 WL 13828911 (W.D. Wash 2015); *Ortego v. Lummi Island Scenic Estates Community Club, Inc.*, 738 Fed. Appx. 912 (9th Cir. 2018).
- Represented minority homeowner plaintiffs against the controlling majority owner and the homeowners' association on claims of breach of fiduciary duty, violation of the covenants, violation of the Homeowners' Association Act, and piercing the corporate veil. Then enforced a settlement agreement that the majority owner sought unsuccessfully to breach. *Parrott v. Benson Crest Homeowners Ass'n* (King County Superior Court 2015).
- Represented a large international real estate developer in a malpractice claim in King County Superior Court against its former real estate attorneys, obtaining a settlement for more than \$5 million.

Commercial Litigation

- Prosecuted a breach of settlement agreement claim against a minority shareholder, obtaining injunctive relief and a complete award of attorney's fees. *Allegis Communications, Inc. v. Harvey* (King County Superior Court 2018).
- Represented Waste Management of Washington, Inc., before the Utilities and Transportation Commission, the Thurston County Superior Court and the Washington Court of Appeals in litigation that led to the granting of Waste Management's application for expansion of its biomedical waste services throughout the State of Washington. *Stericycle of Wash. v. Waste Management of Wash.*, 190 Wn. App. 74, 359 P.3d 894 (Wash. Ct. App. 2015).
- Resolved a complex dispute between doctors in a urology practice, resulting in the successful separation of the clients' practices without the need for litigation.
- Represented a closely held corporation in a derivative action brought by a major shareholder in King County Superior Court and obtained a settlement that favorably resolved all claims in favor of the corporation.
- Represented the controlling partners in a closely held partnership in a valuation dispute against the non-controlling partners. The matter was resolved in private arbitration in favor of the controlling partners.

Publications & Speaking Engagements

- "Seattle Times Wins Summary Judgment in Surgeon's Libel Suit," Media Law Resource Center MediaLaw Letter (March 2021)
- "Public Records: Insights on Compliance and Effective Policy," Association of Washington Cities 2017 Labor Relations Institute (May 5, 2017)
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"Case Law Update: Use of Personal Devices by Public Servants," Law Seminars International Public Records and Open Meetings Seminar (March 31, 2017)

- "What You Need to Know About Public Records and Open Meetings in Washington," Lorman Education Services, Federal Way, Washington (May 9, 2013)
- "Public Records Act Litigation," Law Seminars International, Seattle, Washington (January 30, 2013)
- "What You Need to Know About Public Records and Open Meetings in Washington," Lorman Education Services, Federal Way, Washington (May 9, 2012)
- "Views from a Commercial Litigator: What You Can Learn About Contract Drafting from the Other Side," Washington State Bar Association, Seattle, Washington (May 13, 2011)

Memberships

- American Bar Association Forum on Communication Law
- American Bar Association Section of Litigation
- King County Bar Association

Honors

- *The Best Lawyers in America*, "Seattle Lawyer of the Year," Litigation – First Amendment (2013, 2015, 2017, 2019, 2021); First Amendment Law, Litigation – First Amendment (since 2008).
- *Washington Super Lawyers*, "Super Lawyer" (2008–2020); "Rising Star" (2006–2007)
- *Benchmark Litigation*, "Washington State Litigation Star" (2015–2020); also listed in *Benchmark Top 250 Women in Litigation* (4th edition)
- Litigation Counsel of America, Fellow

Education

- Washington University School of Law
JD, Order of the Coif, 1992
Olin Fellowship and full scholarship; Executive Notes and Comments Editor, *Washington University Law Quarterly*
- Oberlin College
BA, 1989

Bar Admissions

- Washington State Supreme Court

Clerkships



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- Honorable Daniel M. Friedman, Federal Circuit Court of Appeals, Washington, D.C.