



## Jessica L. Goldman

### **Litigation**

**(206) 676-7062**

**[jessicag@summitlaw.com](mailto:jessicag@summitlaw.com)**

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#### **Profile Introduction**

Jessica has represented businesses and individuals in significant litigation for 25 years. Her practice focuses on commercial litigation, including intellectual property, trade secrets, false advertising, contract, business fraud, and non-compete cases. She has substantial expertise litigating homeowners' association cases, representing associations, board members, and homeowners. Her litigation of homeowners' association cases has included the successful defense or prosecution of racketeering, breach of fiduciary duty, consumer protection, and fraud claims. Jessica also specializes in First Amendment litigation, including commercial speech, privacy, access, prior restraint, reporters' shield laws, public records, and newsgathering torts, and she has been repeatedly recognized by her peers as a top First Amendment lawyer.

Jessica works closely with her clients in determining and executing an appropriate litigation strategy. Her approach ensures that her clients make informed decisions which support their business and other goals. She is recognized as an aggressive and highly-prepared litigator in trial and appellate courts.

After graduating from Oberlin College with a degree in political science, Jessica attended Washington University School of Law on a full, merit-based scholarship and graduated in the top of her class, Order of the Coif. She clerked for Judge Daniel Friedman on the Federal Circuit Court of Appeals in Washington, D.C and then joined Davis Wright Tremaine where she practiced until 2002.



### Representative Cases/Matters

- Successfully defended a homeowners' association and its board members in a vast federal racketeering and breach of fiduciary duty case brought by 30 homeowners in the Western District of Washington, including filing five successful dispositive motions which resulted in a defense judgment on the eve of trial. *Ortego, et al. v. Lummi Island Scenic Estates Community Club*, 2016 WL 6836885 (W.D. Wash. 2016).
- Successfully 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 which the majority owner unsuccessfully sought to breach.
- Successfully 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 Washington v. Waste Management of Washington*, 190 Wn. App. 74, 359 P.3d 894 (Wash. Ct. App. 2015).
- Successfully represented a small telecommunications company plaintiff in the Western District of Washington against a competitor who stole 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).
- Since 2006, provided pre-publication and other regular advice to *The Stranger*.
- Frequently advises government agencies and elected officials on responding to public records requests, including defending them in Public Records Act litigation.
- Represented a Fortune 500 company in a non-compete case against a former high-level executive, resulting in a favorable settlement.
- Regularly represents software companies in the successful enforcement of software licensing agreements.
- Resolved a complex dispute between doctors in a urology practice, resulting in the successful separation of her clients' practices without the need for litigation.
- Represented the City of Seattle in the Western District of Washington and before the Ninth Circuit Court of Appeals where the City was a defendant and appellant in a lawsuit brought by the yellow pages industry alleging that a city ordinance violated the First Amendment and Commerce Clause provision of the U.S. 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 U.S. 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).
- Represented the purchaser of a luxury yacht in a breach of contract and breach of warranty claim against the manufacturer in King County Superior Court. The case was favorably resolved on the eve of trial.



- Obtained a defense judgment and attorney's fee award in Adams County Superior Court on a breach of contract claim on behalf of Waste Management.
- Represented a large international real estate developer in a malpractice claim in King County Superior Court against its former real estate attorneys and successfully obtained a settlement for more than \$5 million.
- Represented a closely held corporation in a derivative action brought by a major shareholder in King County Superior Court and obtained a settlement which 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.
- Successfully obtained summary judgment dismissal in King County Superior Court of defamation claims brought against *The Seattle Weekly* regarding 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 Random House of a Spanish-language book on a controversial Mexican artist.

#### **Publications & Speaking Engagements**

- "Public Records: Insights on Compliance and Effective Policy," Association of Washington Cities 2017 Labor Relations Institute, May 5, 2017
- "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, WA, May 9, 2013
- "Public Records Act Litigation," Law Seminars International, Seattle, WA, January 30, 2013
- "What You Need to Know About Public Records and Open Meetings in Washington," Lorman Education Services, Federal Way, WA, May 9, 2012
- "Views from a Commercial Litigator: What You Can Learn About Contract Drafting from the Other Side," Washington State Bar Association, Seattle, WA, May 13, 2011
- "Oregon Newspaper Uses Shield Law to Quash Subpoena Seeking Identify of Online Commentator," Media Law Resource Center *MediaLawLetter* (October 2008)
- "What You Need to Know About Public Records and Open Meetings," Lorman Education Services, Tacoma, WA, August 5, 2008
- "A Work/Life Balance Pays: Changing How Law Firms Do Business," King County Bar Association *Bar Bulletin* (December 2007)
- "What Name Did You Call Me? Defamation/Disparagement/False Light in the Employment Setting," Washington State Bar Association, Seattle, WA, March 2003
- "Recent Talk Radio and Talk Show Cases," National Association of Broadcasters, Las Vegas, NV, April 9,



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- "Public Disclosure Laws in the Year 2000," Government Lawyers Bar Association, Seattle, WA, October 30, 1996
- "Arresting Wife Batterers: A Good Beginning to Stopping a Pervasive Problem," 69 *Washington University Law Quarterly* 843 (1991)

#### **Memberships**

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

#### **Honors**

- Named Seattle Lawyer of the Year for Litigation-First Amendment in *The Best Lawyers in America* (2017)
- Named in *The Best Lawyers in America* (2008-2017)
- Named Seattle Lawyer of the Year for Litigation-First Amendment in *The Best Lawyers in America* (2015)
- Listed in Washington Super Lawyers (2008–2017)
- Listed as a Washington State Litigation Star in *Benchmark Litigation* (2015-2016) and in *Benchmark Top 250 Women in Litigation* (4th edition)
- Named Seattle Lawyer of the Year for Litigation-First Amendment in *The Best Lawyers in America* (2013)
- Named "Rising Star" by Washington Super Lawyers (2006-2007)
- Fellow, Litigation Counsel of America
- Awarded Olin Fellowship and full scholarship to Washington University School of Law
- Order of the Coif

#### **Education**

- Washington University School of Law (J.D., 1992, Order of the Coif); Executive Notes and Comments Editor, *Washington University Law Quarterly*
- Oberlin College (B.A., 1989)

#### **Bar Admissions**

- Washington State Supreme Court
- United States District Court, Western District of Washington
- United States District Court, Eastern District of Washington
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Supreme Court

#### **Clerkships**

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



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