

## David R. West

(he/him)

Principal

1111 Third Avenue  
Suite 3000  
Seattle, WA 98101

T 206.816.1321  
F 206.464.0125  
david.west@foster.com



Clients appreciate David's ability to find creative solutions and to help guide them through adversarial legal proceedings with a keen eye on the ultimate goals of the client. He's experienced in all areas of commercial litigation, but he believes that litigation is a tool, not a goal, and that problems can often be resolved by means other than handing a matter to a third party for a decision.

David has successfully resolved hundreds of matters through negotiation, discovery, motions and trial or arbitration. Each case is unique and each client's goals inform how a matter is handled. He has helped clients in cases involving purchases and sales of businesses and their assets, fiduciary duties of corporate actors, lender liability, breach of contract, real estate disputes, Uniform Commercial Code (UCC), employment, antitrust, and personal injury and product liability. David also speaks and advises on issues pertaining to legal ethics, the attorney-client privilege, and work product doctrine.

David has litigated many cases involving foreign clients or adversaries and has conducted deposition discovery overseas. He has extensive experience in matters relating to maritime law and litigation, including maritime mortgage and lien foreclosures, personal injury litigation, oil spill litigation, maritime contract cases, ship repair litigation and salvage matters.

### Services

Litigation  
Financial Services  
Government Contracts  
Transportation & Logistics  
Tribal Governments & Enterprises  
Trusts & Estates Litigation

### Admissions

Washington, 1983  
U.S. District Court, Eastern District of Washington, 1986  
U.S. District Court, Western District of Washington, 1984  
U.S. Court of Appeals for the 3rd Circuit, 1993  
U.S. Court of Appeals for the 9th Circuit, 1986

## Education

J.D., University of Washington School of Law, with honors, 1983

B.A., University of California Berkeley, with distinction, 1980

## Honors & Recognition

Top Lawyer for Banking, *Seattle Met* magazine, 2010

Martindale-Hubbell AV Preeminent rating

## Professional Activities

Federal Bar Association, Admiralty Law Section, Member

Garvey Schubert Barer, Seattle Office

- Managing Director
- Executive Committee, 2004-2006 and 2013-2019

## Community Activities

Sammamish Little League, Vice President and Counsel, 2002-2005

Skyline Lacrosse Club

- Board Member, 2008-2011
- President, 2009-2011

## Experience

Lead trial counsel for transportation company

Lead trial counsel for transportation company on multiple legal matters arising from planned use of marine terminal to serve oil company, including SEPA and land use challenges.

Prevailed in full after multiday hearing.

Lead counsel advising stock purchaser of \$94 million company

Lead counsel advising stock purchaser of \$94 million company in prosecuting claims against sellers for purchase price adjustments, indemnity claims and related litigation.

Lead counsel defending lender

Lead counsel defending lender from claims for fraud, criminal conspiracy, state and federal RICO. Plaintiff's claims for over \$9 million dismissed on summary judgment shortly before trial; judgment entered for lender for all loan balances and all attorneys' fees expended; client recovered all amounts in full.

Lead counsel pursuing breach of fiduciary duty claims against client's former corporate officers  
Lead counsel pursuing breach of fiduciary duty claims against client's former corporate officers, director and attorneys who formed competing company.

Lead counsel in defense of breach of fiduciary duty claims

Lead counsel in defense of breach of fiduciary duty claims in derivative shareholder litigation – closely held family company.

Lead counsel defending investment advisory firm

Lead counsel defending investment advisory firm in matters arising from investments in business alleged to be Ponzi scheme.

Lead counsel advising stock purchaser of minor league sports team

Lead counsel advising stock purchaser of minor league sports team against seller for adjustments under purchase and sale agreement.

Lead counsel in defense of employment discrimination claims

Lead counsel in defense of employment discrimination claims made by former President of client.

Lead counsel in defense of employment discrimination claims

Lead counsel in defense of employment discrimination claims made by former VP of Human Resources of client.

Defense counsel for foreign public company in antitrust lawsuit

Defense counsel for foreign public company in antitrust lawsuit alleging seven year price-fixing conspiracy. Conducted discovery throughout Pacific Northwest and in Japan.

Lead counsel in multiple matters for major oil company

Lead counsel in multiple matters for major oil company; pursued claims for damages arising from tanker-dock allision and defective propulsion machinery.

Lead counsel in multiple matters involving claims by adjoining landowners

Lead counsel in multiple matters involving claims by adjoining landowners of adverse possession, tree trespass, easements, and fence and boundary disputes.

Lead counsel for a Washington Indian Tribe in connection with litigation matters

Lead counsel for a Washington Indian Tribe in connection with litigation matters involving fisheries and related natural resource claims.

Lead counsel for vessel owner in oil spill matter

Lead counsel for vessel owner in oil spill matter in which primary claimant was an Indian Tribe seeking recovery of spiritual and cultural damages.

Lead counsel in numerous maritime matters

Lead counsel in numerous maritime matters, including dozens of personal injury cases, oil spills, P&I investigations, claims for damage to cargo and docks, insurance coverage, broker liability, demurrage, maintenance and cure, and vessel casualties.

### **News**

Law School Students Team Up With the Legal Community to Serve Pandemic-Stricken Community With the Formation of COVID-19 Clearinghouse

*Foster Garvey Newsroom*, 20

### **Publications**

Guide to Doing Business in the U.S. Installment 5: Products Liability

*Garvey Schubert Barer*, 113.16