

## Jason R. Donovan

Principal

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Jay is an experienced commercial litigator with trial court and appellate court experience litigating complex commercial disputes, including insurance coverage disputes, municipal disputes, and solid waste-related disputes.

As chair of Foster Garvey's Insurance Coverage practice, Jay exclusively represents policyholders to protect their interests at every stage of the process. Jay works with policyholders to provide timely notice of claims, to respond to the insurer's requests for information, and to challenge the insurer's coverage denial. To the extent litigation is necessary, Jay has extensive experience litigating insurance coverage disputes at the trial and appellate courts alike.

Jay also handles a wide variety of municipal disputes on behalf of cities and counties throughout Washington. Those disputes include public disclosure disputes, construction disputes, state and federal constitutional challenges to local solid waste regulations, long-term solid waste contract disputes, and regulatory enforcement actions.

### Education

J.D., University of Wisconsin Law School

B.M., Northwestern University

Université Paris-Sorbonne, L'Ecole Normale de Musique

### Services

Litigation  
Appellate  
Construction  
Election and Political Law,  
Public Policy & Lobbying  
Insurance Coverage  
Public Finance & Municipal  
Government  
Public Records & Open  
Government  
Transportation & Logistics

### Admissions

Washington, 2008  
Illinois, 2003  
U.S. District Court, Eastern  
District of Washington, 2012  
U.S. District Court, Northern  
District of Illinois, 2004  
U.S. District Court, Western  
District of Washington, 2009  
U.S. Court of Appeals for  
the 9th Circuit, 2011

### **Professional Activities**

American Bar Association, Member  
Federal Bar Association, Member  
Foster Garvey, [Opportunity & Progress Council](#), Member, 2020-present  
Illinois State Bar Association, Member  
King County Bar Association, Member  
Washington State Bar Association, Member  
Wisconsin State Bar Association, Member

### **Speaking Engagements**

AWC Elected Officials Essentials 2023  
Speaking Engagement  
12.9.23

2019 Insurance Coverage Legal Update: Safeguarding Your Operations With Insurance  
Event  
Seattle, WA, 11.12.19

2018 Insurance Coverage Legal Update: Safeguarding Your Operations With Insurance  
Event  
Seattle, WA, 6.7.18

2017 Insurance Coverage Legal Update  
Event  
Seattle, WA, 6.8.17

"Protecting Against Risk," The Seminar Group  
Speaking Engagement  
Seattle, WA, 5.4.16

"Real Life *Cedell* Issues," 2016 Annual Insurance Law Update  
Speaking Engagement  
Seattle, WA, 4.29.16

"Protecting Against Risk," The Seminar Group  
Speaking Engagement  
Seattle, WA, 3.23.16

"Ongoing Bad Faith and When Defense Counsel Acts as Adjuster," WSAJ's 38th Annual Insurance Law Seminar  
Speaking Engagement  
Seattle, WA, 1.22.16

## Legal Alerts

Washington Supreme Court Sets New Criteria for Closing Public Records Requests  
4.15.24

## Experience

Defended King County's flow control ordinance against four state and federal constitutional challenges.

Arbitrated long-term solid waste contract disputes on behalf of Cowlitz County and the City of Port Angeles.

Defended Spokane County's solid waste ordinance against eight constitutional challenges.

Defended the City of Mount Vernon in connection with disputes over public works project.

Successfully settled mobile advertising fraud and breach of contract claims for ride-share company.

Obtained favorable judgment for former owner of the Tacoma Kraft Mill in post-closing property tax allocation dispute.

Resolved copyright infringement claims against music-streaming company.

Obtained insurer bad faith jury verdicts for commercial real estate owner.

Invalidated the Income Tax Initiative for the City of Olympia.

Successfully settled class action lawsuit against credit union alleging improper overdraft fee practices.

Prosecuted Insurance Fair Conduct Act claims on behalf of general contractor.

Negotiated insurance coverage for individual homeowner after insurer denied coverage in bad faith.

Awarded summary judgment establishing homeowner's entitlement to insurance coverage for significant water damage after insurer asserted more than eight different reasons for denying coverage in serial fashion over a two-year period.

Effectively had opposing counsel disqualified from serving as trial counsel in bad faith lawsuit stemming from opposing counsel's wrongful investigation, evaluation, and handling of client's insurance claim.

Successfully procured insurance coverage for copyright infringement claims after insurer wrongfully refused to defend client.

Obtained jury verdict against insurer for bad faith and Insurance Fair Conduct Act violations.

Obtained Insurance Fair Conduct Act, bad faith and estoppel rulings in Federal Court against subcontractor's insurer for refusing to defend general contractor as an additional insured.

Recovered more than \$2,500,000 for general contractor as additional insured under policies issued to subcontractors.

Recovered policy limits, bad faith damages and all attorneys' fees from title insurer for property defects on clients' property.

Successfully obtained employee embezzlement / fraud coverage for two local non-profits.

Successfully defended non-profit against public accommodations discrimination claims.

Regularly advises and litigates insurance, contractual, and employment disputes on behalf of non-profit transportation brokers.

Successfully defended non-profit by repeatedly having claims dismissed on summary judgment.