



Brian W. Grimm
Of Counsel
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Brian W. Grimm represents clients in a diverse range of disputes in the federal and state courts of Washington and throughout the U.S., as well as before administrative agencies and arbitration panels.

Much of Mr. Grimm's recent work has focused on representing healthcare providers in disputed matters arising under Washington's certificate of need laws, including in adjudicative proceedings before the Washington Department of Health, judicial review proceedings in Superior Court, and in appeals to the Washington Court of Appeals and the Washington Supreme Court. Mr. Grimm represented the prevailing party in the Washington Supreme Court's two most recent cases involving certificates of need.

Mr. Grimm's other work has ranged from representation of the Province of British Columbia as an amicus curiae in U.S. courts, including the U.S. Supreme Court, in cases involving public international law and other cross-border issues; to successfully arguing on behalf of an appellant in the Washington Court of Appeals that there is no right to a jury trial under the Washington Constitution on a promissory estoppel claim, an issue of first impression, and winning reversal of a jury verdict on that ground; to representation of parties to various litigated and non-litigated commercial disputes throughout the U.S.

PROFESSIONAL EXPERIENCE

- Bennett Bigelow & Leedom, P.S., Of Counsel (2010-present)
- Dorsey & Whitney LLP, Partner (2007-2010) and Associate (1999-2006) in Trial Group
- Bogle & Gates PLLC, Summer Associate (1998)
- King County Prosecuting Attorney's Office, Summer Extern in Criminal Division (1997)

REPRESENTATIVE CASES

Health Litigation / Administrative Law

- *In re Swedish Health Services - Bellevue ASC* (Wash. Dep't of Health; Wash. Super. Ct., King County; Wash. Ct. App., Div. I; Wash. Supreme Court): Successfully represented Swedish in administrative and judicial proceedings relating to Swedish's certificate of need to establish an ambulatory surgery center in Bellevue, Wash. Won case in Washington Supreme Court.

- *In re Swedish Health Services - Liver Transplant Program* (Wash. Dep't of Health; Wash. Super. Ct., Thurston County; Wash. Supreme Court): Successfully represented Swedish in administrative and judicial proceedings relating to Swedish's certificate of need to establish a liver transplant program. Won case in Washington Supreme Court.
- *In re Swedish Health Services - Issaquah Hospital* (Wash. Dep't of Health; Wash. Super. Ct., King County; Wash. Ct. App., Div. I; Wash. Super. Ct., Thurston County; Wash. Ct. App., Div. II): Successfully represented Swedish in administrative and judicial proceedings relating to Swedish's certificate of need to establish a new, 175-bed hospital in Issaquah, Wash.
- *In re Swedish Health Services - Issaquah ASC* (Wash. Dep't of Health): Successfully represented Swedish in administrative proceedings relating to Swedish's certificate of need to establish an ambulatory surgery center in Issaquah, Wash.
- *In re MultiCare Health System - Gig Harbor ASC* (Wash. Dep't of Health; Wash. Super. Ct., Thurston County; Wash. Ct. App., Div. II): Successfully represented MultiCare in administrative and judicial proceedings relating to MultiCare's application for a determination that ambulatory surgical center in Gig Harbor, Wash., was not subject to certificate of need review. Won case in Washington Court of Appeals, Division II.

Business Disputes

- *Portside Growth and Opportunity Fund v. JED Oil Inc.* (N.Y. Sup. Ct., N.Y. County): Defended Canadian oil and gas company in lawsuit brought by noteholder, relating to client's acquisition of third-party oil and gas company.
- *Lafford v. Nutreco and Marine Harvest* (U.S.D.C., W.D. Wash.): Defended Norwegian aquaculture company and its Dutch parent against multimillion-dollar contract, tortious interference, and related claims, brought by former intermediary between clients and Costco Wholesale on smoked salmon supply contract.
- *Amazon.com v. SVG* (U.S.D.C., W.D. Wash.): Represented Amazon.com in multimillion-dollar breach of contract case against vendor.
- *Kim v. Dean* (Wash. Ct. App., Div. I): Represented business owner in appeal of judgment on promissory estoppel claim brought by former employee. Won reversal of jury verdict and remand for new trial, based on argument that there is no right to a jury trial on a promissory estoppel claim, which was an issue of first impression in Washington.
- *Zurich Re v. Connecticut General, et al.* (Wash. Super. Ct., King County): Local defense counsel for several members of a pool of reinsurers in \$300 million retrocession dispute.

International Arbitration and Litigation / Public International Law

- *Marchex, Inc. v. Name Development Ltd.* (Arbitration): Represented British Virgin Islands company in international arbitration relating to client's \$164 million sale of internet domain names portfolio.
- *Pakootas, et al. v. Teck Cominco* (U.S. Supreme Court): Represented the Province of British Columbia as an amicus curiae in case involving the extraterritorial application of U.S. environmental laws.
- *State of California, et al. v. EPA, et al.* (U.S.C.A., D.C. Cir.): Represented the Province of British Columbia as an amicus curiae in case involving EPA's denial of California's request for a waiver of federal preemption for California's regulations to control motor vehicle emissions.
- *Schemmann v. Brewin* (U.S.D.C., W.D. Wash.): Won dismissal of case brought against British Columbia government minister based on foreign sovereign immunity.
- *SSI Corp. v. Matsuda, et al.* (U.S.C.A., 9th Cir.): Won affirmance of dismissal of case brought against Japanese software company and other defendants based on *forum non conveniens* doctrine.

Reported Decisions

- *Overlake Hospital Association, et al. v. Washington Department of Health and Swedish Health Services*, -- Wn.2d --, -- P.3d --, 2010 WL 3705227 (2010)
- *University of Washington Medical Center v. Washington Department of Health and Swedish Health Services*, 164 Wn.2d 95, 187 P.3d 243 (2008)
- *MultiCare Health System v. Washington Department of Health*, 2008 WL 4868881 (Wash. App. 2008)
- *Sovran LLC v. Mickelsen Dairy, Inc., et al.*, 2008 WL 3319816 (Wash. App. 2008)
- *Expeditors International of Washington, Inc. v. Expeditors (Japan), Ltd.*, 139 Wash. App. 1070 (2007)
- *SSI Corp. v. Matsuda, et al.*, 175 Fed. Appx. 168 (9th Cir. 2006)
- *Kim v. Dean*, 133 Wash. App. 338, 135 P.3d 978 (2006)
- *Little Donkey v. U.S. Bancorp*, 136 Fed. Appx. 91 (9th Cir. 2005)
- *Lafford USA v. Nutreco Holding NV*, 2005 WL 1126923 (W.D. Wash. 2005)

- *Segal Co. v. Amazon.com*, 280 F. Supp. 2d 1229 (W.D. Wash. 2003)
- *Ayer LP v. Speed*, 111 Wash. App. 1053 (2002)

AWARDS AND RECOGNITION

- Named a “Rising Star” by *Washington Law & Politics*

PROFESSIONAL ASSOCIATIONS

- Washington State Bar Association
- King County Bar Association
- Washington State Society of Healthcare Attorneys

ADMISSIONS

- Washington
- U.S. Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the D.C. Circuit
- U.S. District Court for the Western District of Washington
- U.S. District Court of the Eastern District of Washington

EDUCATION

University of Michigan Law School
J.D., 1999

Brasenose College, University of Oxford
Stanford-at-Oxford Program

Stanford University
B.A., Economics, 1996