



Timothy E. Allen
Shareholder
Phone: 206.973.1570 (direct line)
Email: tallen@bblaw.com

Tim is a litigator with extensive courtroom experience in multi-week trials. His practice ranges from the defense of medical malpractice claims to representing both plaintiffs and defendants in insurer bad faith, insurance coverage, product liability, injunctive relief, and equine law cases, among others. Tim represents clients in both state and federal courts. As a plaintiff's attorney, he has assisted in cases achieving multimillion dollar verdicts and settlements, including the \$15.5 million verdict in *Federici v. U-Haul et al.*, and the \$12.95 million bad faith settlement in *Howard v. Royal Specialty Underwriting, Inc.* As a defense attorney, he has obtained defense verdicts, dismissals, and favorable settlements for clients including health care providers, product manufacturers, and insurance companies. Tim was recognized by *Washington Law & Politics* as a Rising Star for both 2009 and 2010, by *Super Lawyers* as a Rising Star for 2011, and received the Washington Defense Trial Lawyers Outstanding Litigation Associate Award for 2006. Prior to becoming a lawyer, he was a professor of political philosophy and argumentation at Western Washington University, as well as the director of the university's debate program. During law school, Tim served as a Rule 9 Attorney for the Whatcom County Public Defender.

REPRESENTATIVE CASES

- ***Kirkland v. Emhart Glass Manufacturing, Inc., et ano.*** 2010. Representing glass manufacturing company in action brought in the USDC for the Western District of Washington for liability under the Washington Product Liability Act (WPLA) for damages caused to machine operator. Jury trial scheduled for June 2011.
- ***M.K. Lim, Inc. v. Greenwich Insurance Company.*** 2010. Representing defendant insurer in action brought in the USDC for the Western District of Washington for bad faith and violation of Washington's Insurance Fair Conduct Act (IFCA) for alleged failure to timely pay on first party property claim. Jury trial scheduled for June 2011.
- ***Coopey v. McGee et ano.*** 2010. Representing defendant medical oncologist in medical malpractice action brought in Snohomish County Superior Court alleging failure to diagnose metastasized colorectal cancer. Jury trial scheduled for November 2010.
- ***Indian Harbor Insurance Company v. Transform LLC et al.*** 2010. Representing plaintiff insurer in declaratory judgment action brought in the USDC for the Western District of Washington regarding claim made on insured company's Commercial General Liability Policy for building modules alleged to have been defective. Bench trial scheduled for September 2010.

- ***Seattle Evergreen Transp. Corp. v. Lincoln General Insurance Co. et ano.*** 2010. Representing defendant insurance broker in lawsuit filed in King County Superior Court alleging negligence, breach of contract, and violation of the Washington Consumer Protection Act and seeking specific performance of insurance policy. Jury trial scheduled for September 2010.
- ***Smith v. The Doctor's Company.*** 2010. Representing defendant insurer in reasonableness hearing regarding covenant judgment and assignment reached in underlying medical malpractice action.
- ***Block v. Harborview et al.*** 2010. Represented defendant hospital in medical malpractice action brought in King County Superior Court alleging brain injury resulting from volume overload. Case settled favorable on eve of trial in April 2010.
- ***Cornhusker v. Samples.*** 2010. Represented plaintiff and counterclaim defendant insurer in action for declaratory judgment and bad faith failure to settle where insurer relied on ruling of United States District Court in settlement negotiations prior to resolution of coverage question by Supreme Court of Washington. Case settled prior to trial.
- ***Thomas v. University of Washington and Harborview Medical Center.*** 2010. Represented defendant health care providers in appeal of trial court dismissal of lawsuit arising from involuntary detention of plaintiff for psychological evaluation. Unreported decision at 2010 WL 276107 (Wash. App. Div. 1 2010).
- ***Tran v. Moore.*** 2009. Assisted in defense of head and neck surgeon in three-week jury trial in King County Superior Court alleging medical negligence and failure to obtain informed consent with respect to a 2004 carotid body tumor surgery. After two and a half days of deliberation, the jury returned a defense verdict on both claims.
- ***Starke v. Kollock et al.*** 2009. Obtained summary judgment dismissal of defendant emergency care physicians group, without the necessity of discovery, in wrongful death case alleging medical malpractice filed in King County Superior Court and naming nine defendant individuals and entities.
- ***National Union Fire Ins. Co. v. Greenwich Ins. Co.*** 2009. Represented primary CGL insurer in equitable subrogation and contribution action brought by excess CGL insurer for reimbursement of attorney fees and costs incurred in defense of joint insured. Case settled immediately prior to trial scheduled for July 2009 in the USCD for the Western District of Washington.
- ***Ficker v. Quantum Windows & Doors, Inc.*** 2009. Obtained favorable settlement on eve of trial on behalf of manufacturer in personal injury action brought by temporary worker.
- ***Hill v. Ross-Bullington.*** 2009. Representing plaintiff, obtained on theories of replevin and intentional interference with business expectancy the return to legal owner of valuable stallion wrongfully detained by training stables.

- ***Qualis Health v. State of Washington DSHS.*** 2009. Represented plaintiff corporation in obtaining permanent injunction precluding DSHS from releasing confidential and proprietary information contained in plaintiff's successful bid proposal to DSHS. The information was the subject of a Public Records Act request by certain of plaintiff's competitors.
- ***Mt. St. Joseph, Inc. v. Chamberlain.*** 2008. Helped obtain judgment of over \$2 million on behalf of plaintiff corporation in breach of guaranty action brought in Oregon state court against personal guarantor of \$1.5 million promissory note executed in favor of plaintiff by purchaser of residential nursing facilities.
- ***Does v. Schnall et al.*** 2008. Along with Portland-based co-counsel, achieved defense verdict for pediatric clinic after seven-week trial in consolidated suit against pediatrician brought by four former patients alleging medical malpractice, sexual battery, negligent infliction of emotional distress, and outrage, as well as direct negligence claims against the clinic that employed the pediatrician. Following the verdict, a new trial was ordered on the basis of alleged juror misconduct, which order is currently under appeal.
- ***Northwest Housing Guild, LLC v. Continental Casualty Company.*** 2008. Obtained favorable settlement without trial on behalf of third party defendant insurer in action for bad faith failure to defend.
- ***Federici v. U-Haul et al.*** 2007. Representing the plaintiff and in conjunction with Bill Leedom of BB&L, along with co-counsel Simon Forgette and Murray Kleist, obtained a jury verdict after seven-week trial of over \$15.5 million for Maria Federici in King County Superior Court.
- ***French v. Providence Everett Medical Center et al.*** 2007. Obtained dismissal of third party defendant physician from wrongful termination claim in federal court.
- ***Jackson v. University of Washington et al.*** 2007. Obtained favorable settlement without trial on behalf of defendant in medical malpractice action.
- ***Alia v. ICSOP.*** 2006. Representing the plaintiff and in conjunction with Bill Leedom of BB&L, along with co-counsel Simon Forgette and Murray Kleist, obtained a \$4.4 million settlement against an excess insurer in the midst of trial in King County Superior Court.
- ***Determan v. Southwest Washington Medical Center et al.*** 2006. Representing the defendant hospital and in conjunction with Bill Leedom of BB&L, obtained defense verdict within three hours after six-week medical malpractice trial in Clark County Superior Court.
- ***Howard v. Royal et al.*** 2005. Representing the plaintiff and in conjunction with Bill Leedom of BB&L, along with co-counsel Simon Forgette and Murray Kleist, obtained on the eve of trial a \$12.95 million settlement for bad faith failure to defend against an insurer with policy limits of \$1 million.

AWARDS AND RECOGNITION

- Rising Star, *Washington Law & Politics*, 2009, 2010, 2011
- Outstanding Litigation Associate Award, Washington Defense Trial Lawyers, 2006

EDUCATION

- **University of Washington School of Law**
J.D., 2004, with honors
University of Washington Law Review, Notes and Comments Editor
Member, Moot Court Honor Board:
First Place and Best Speaker, 2002 1L Competition
Finalist and Best Speaker, 2004 2L/3L Falknor Appellate Advocacy Competition
Invited Member, National Order of Barristers
Teaching Fellow, Basic Legal Skills
- **Boston University**
A.B.D. Political Philosophy, 1986; President's Ph.D. Fellowship, 1984
- **Western Washington University**
M.A. Political Science, 1983, with distinction
- **Western Washington University:**
B.A. Political Science, 1981, *cum laude*

PROFESSIONAL AND COMMUNITY INVOLVEMENT

- American Bar Association, Tort Trial and Insurance Practice Section
- Defense Research Institute, Insurance Law, Medical Liability & Health Care Law Committees
- Washington State Bar Association, Health Law Section
- Washington Defense Trial Lawyers, Insurance Section and Professional Liability Section

BAR ADMISSIONS

- Washington State Bar Association
- United States District Court for the District of Western Washington
- United States District Court for the District of Eastern Washington
- Oregon State Bar

PUBLICATIONS AND PRESENTATIONS

- *Electronic Medical Records*, CLE, “Medical Records,” Seattle, Washington, June 2008
- *Trends in Medical Malpractice*, Washington State Medical Association Leadership Development Conference, Chelan, Washington, May 4, 2007
- *Recurring and Emerging Issues in Bad Faith Litigation*, CLE, “Auto Insurance: Uninsured, Underinsured and Accident,” Seattle, Washington, March 22, 2006
- *Kadlec Medical Center Legal Case Update*, Washington Association of Medical Staff Services Annual Conference, Winthrop, Washington, May 13, 2005
- “*The Foreseeability of ‘Transference’: Extending Employer Liability Under Washington Law for Therapist Sexual Exploitation of Patients*,” WASHINGTON LAW REVIEW, Volume 78, No. 2 (2003), 525-556 (cited in 28 Causes of Action 2d 343, *Cause of Action for Sexual Contact During Therapy or Counseling* (2010); 226 Am. Jur. Proof of Facts 2d 363, *Malpractice of Psychiatric Nurse* (2010); 314 Am. Jur. Proof of Facts 3d 319, *Medical Negligence—Psychotherapist’s Sexual Contact With Client* (2009); 425 Am. Jur. Proof of Facts 3d 117, *Proof of Psychotherapist’s Negligence In Diagnosing and Treating a Patient’s Mental Condition* (2009))