



JOHN RIPER MANAGING PARTNER

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BACKGROUND:

During my 37 years of litigation I've handled construction, business, and insurance cases involving as little as ten thousand dollars and as much as \$65 million. Among the many cases I've tried or handled on appeal are cases that are frequently used as precedent in Washington courts, such as the Scoccolo case (establishing contractors' rights where an owner fails to arrange for prompt relocation of utilities), and the Panorama Village case (on insurance recovery for defective condo problems). As the managing partner of Ashbaugh Beal I know many of the challenges that businesses face sustaining success in a competitive environment. I am admitted to all Washington state and federal courts as well as the United States Supreme Court.

REPRESENTATIVE MATTERS:

Some trials of mine include:

- *Portsmouth Owners v. Intracorp.*, No. 01-2-20271-5 (2003) (Successful pursuit of property damage and warranty claims against developer of large Kirkland property).
- *Ash Grove Cement v. Lafarge Corp.*, 13 Fed App. 511 (9th Cir. 2001) (Successful pursuit of claims for damage from collision at barge facility).
- *D.A. Zuluaga Construction v. Spokane International Airport*, No. 96-2-06301-5 (Spokane County 1999) (Recovery on construction claims for defective specifications and extra work).
- *Lee v. Pro-Build, Inc.*, No. 98-2-06725-5 (2000) (Successful arbitration over construction and development of Holiday Inn Suites in Tacoma).
- *Panorama Village Homeowners Assoc. v. Allstate Insurance Co.*, 144 Wn. 2d 130 (2001) (Obtained judgment for structural repairs to condominium complex, and award of attorney fees).
- *Kit-San-Azusa v. United States*, 32 Fed. Cl. 647 (1995) (Construction claims for differing site conditions, extra work, changes, and defective specifications).
- *Kish v. Insurance Company of North America*, 125 Wn.2d 164, 883 P.2d 308 (1994) (Exploring Washington law on doctrine of efficient proximate cause).

Other prominent cases I have been involved with include:

- *Microsoft v. Federal Insurance Co.*, No. C99-1514C (W.D. Wash. 2000) (Prosecuting claims for insurance coverage against multiple insurers).
- *In re Consolidated Seattle Slew Litigation*, No. 92-2-01880-1 (1992-96) (Complex business and insurance litigation over thoroughbred horse racing empire originating with the racehorse Seattle Slew).



PRACTICE AREAS:

I am a civil litigator emphasizing construction law, insurance claims, and commercial disputes.

EDUCATION AND HONORS:

University of Washington, (B.A. 1977, magna cum laude, phi beta kappa)
Stanford Law School (J.D. 1980, Order of the Coif)
Super Lawyer, *Super Lawyers Magazine*, 2007 - 2017
Seattle Metropolitan Top Lawyers, *Seattle Metropolitan Magazine*, 2010
Super Lawyer, *Washington Law & Politics Magazine*, 2001- 2006

COURT ADMISSIONS AND ASSOCIATIONS:

Washington, 1980
Washington State Bar Association
AGC of Washington Legal Affairs Committee

- *WPPS v. Fishbach Corp.*, (W.D. Wash. 1987) (Successful defense against \$45 million antitrust and RICO claims involving public construction projects).

I have also represented a number of clients in published appeals, including:

- *Vision One, LLC v. Philadelphia Indemnity Insurance Co.*, 174 Wn.2d 501, 276 P.3d 300 (2012) (Participating as amicus counsel, prevailed on issues of insurance coverage for construction contractors).
- *Scoccolo Construction v. City of Renton*, 158 Wn. 2d 506, 145P. 3d 371 (2006) (Preserving contractor's right to recover for project delays despite contract disclaimer exonerating owner from responsibility).
- *Kiewit-Grice v. State of Washington*, 77 Wn. App. 867, 985 P.2d 6 (1995) (Award to contractor for extraordinary direct and impact costs arising out of construction of the Third Lake Washington floating bridge).
- *Kaiser Steel Corp. v. Frank Coluccio Construction Co.*, 785 F.2d 656 (9th Cir. 1986) (Recovery for multi-million dollar breach of commitment to purchase construction materials).
- *Farwest Steel Corp. v. Hensel Phelps Construction Co.*, 48 Wn. App. 719, 741 P.2d 58 (1987) (Defense of prime contractor against bond and retainage claims by lower tier material supplier, establishing Washington law on levels of materialmen covered).
- *Oberg v. Department of Natural Resources*, 114 Wn.2d 278, 787 P.2d 918 (1990) (Preserving multi-million dollar judgment for property owners against negligent governmental entity, and establishing Washington law on public duty doctrine).
- *Fujii v. State Farm Fire & Casualty Co.*, 71 Wn. App. 248, 857 P.2d 1051 (1993) (Exploring Washington law on threshold for triggering property damage insurance coverage).

PUBLICATIONS:

High court decision enforces insurance companies' duty to defend policyholders, *Seattle Daily Journal of Commerce*, 2013

Supreme Court says insurance companies can't shield their claim-adjusting process, *Seattle Daily Journal of Commerce*, 2013

Washington Supreme Court unanimously sides with construction contractors for insurance coverage in collapse case, *ConstructionAdvisor.net*, 2012

Legislation proposed to protect employers from unintended liability for employee commute time, *ConstructionAdvisor.net*, 2011

Time to kill Washington's frivolous lien statute, *Seattle Daily Journal of Commerce*, 2011

Validity of contractor liens now in doubt, *ConstructionAdvisor.net*, 2010

Contractors win one in Scoccolo decision, *Seattle Daily Journal of Commerce*, 2006

Defective Plans & Specifications (National Business Institute)

Construction Claims (Lorman)

The False Claims Act

