

## Kathleen Carroll Bricken

Principal

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### An advocate committed to helping clients resolve complex business disputes.

Kathleen is an accomplished civil litigator with a diverse practice, focusing on business disputes. She represents local, national, and international businesses in a wide range of matters, including high-value manufacturing agreement breaches, representations and warranties disputes in purchase and sale agreements, shareholder and partnership disputes, and unfair business practices. Kathleen also provides defense for commercial brokers and other business professionals.

With over 26 years of experience, she has a proven track record of success representing clients. Her experience includes successfully trying cases in state and federal courts, handling arbitrations, and prevailing on appeals before the Oregon Court of Appeals and the Ninth Circuit. In addition, Kathleen has been involved in firm initiatives focused on developing case budgeting tools and alternative fee arrangements to better serve clients.

Kathleen is licensed to practice in Oregon, Washington, and California.

### Education

J.D., University of Notre Dame Law School, 1994

- Faculty Award for Excellency in Oral Advocacy
- Jessup International Moot Court Team Award for Excellency in Oral Advocacy

### Services

Litigation

Alternative Dispute  
Resolution

### Admissions

Oregon, 1994

Washington, 1995

California, 2009

U.S. District Court, District of  
Oregon, 1997

U.S. Court of Appeals for  
the Federal Circuit, 2004

U.S. Court of Appeals for  
the 9th Circuit, 2009

U.S. District Court, Western  
District of Washington, 2015

U.S. District Court, Central  
District of California, 2012

U.S. District Court, Northern  
District of California, 2020

U.S. District Court, Southern  
District of California, 2022

U.S. District Court, Eastern  
District of California, 2022

B.A., University of California Santa Barbara, English and Psychology, 1990

University of Stirling, Scotland, Course Work, 1988-1989

## Professional Activities

Defense Research Institute, Member

- Chair, Business Torts & Contract Litigation SLG, 2022-present
- Vice Chair, Business Torts & Contract Litigation SLG, 2020-2022

Multnomah Bar Association, Member

Oregon State Bar, Litigation Section, Member

Oregon Women Lawyers Foundation

- President, 2008-2009
- Vice President, 2007-2008
- Grants Committee, Chair, 2006-2007
- Board Member, 2004-2010

## Community Activities

Portland Alumnae Chapter of Tri Delta

- Board Member, 2018-2020
- Secretary, 2018-2020

## Experience

Complex Business Disputes

Co-trial counsel for manufacturer of goods sold world-wide relating to claims for breach of contract, fraud, and breach of fiduciary duties in the aggregate amount of \$100 million.

Lead counsel for international company relating to breach of purchase agreements in excess of \$30 million.

Lead counsel for commercial broker relating to coverage claims of \$40 million in connection with Superstorm Sandy.

Co-counsel for the State of Oregon in litigation against Oracle.

Successful defense as lead counsel for oil recycling company against business interruption claims in excess of \$20 million.

#### Partnership & Shareholder Disputes

Litigated partnership dispute with claims for accounting, breach of fiduciary duties and fraud. Obtained judgment for recovery of legal fees.

Various shareholder disputes relating to buyouts.

#### Professional Negligence

Representation of accounting and commercial broker companies against various contract, professional negligence and fiduciary duty claims.

#### Sports & Entertainment

Prosecuted and defended claims for commissions, breach of contract, and breach of fiduciary duties in the entertainment and sports industry, involving athletes, actors and production companies.

#### Noncompete/Nonsolicitation Agreements

Immediate enforcement of various noncompete and confidentiality agreements in court by obtaining temporary restraining orders and preliminary injunctions in favor of employers.

Successful defense of individuals against claims for violation of noncompetition agreements and trade secrets law, ranging in value from \$1 million to \$10 million.

#### Products Liability/Misrepresentation Claims

Successful defense of product liability and misrepresentation claims in the agriculture industry for \$40 million.

### News

Educating Pro Se Litigants in Oregon

*Foster Garvey Newsroom*, 2019

### Speaking Engagements

"Buyout Price Disputes in Shareholder Litigation of Privately-Held Companies," Multnomah Bar Association CLE

Speaking Engagement

Virtual Event, 1.29.21

"Enhancing Negotiation Skills" (in-house training for client)

Speaking Engagement

Portland, OR, 2.27.20

"Shareholder Disputes Over a Buyout Price for Shares of a Private Company," Defense Research Institute (DRI) Commercial Litigation Subcommittee Presentation

Kathleen Carroll Bricken

Foster  
Garvey

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Webinar

9.5.19