



Michael E. Kipling

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Education

- Harvard Law School, J.D. (1977), *cum laude*
- University of Michigan, B.A., Economics (1974), *summa cum laude*; Phi Beta Kappa

Practice

Mike Kipling has been involved in antitrust and other complex litigation since 1977. He has extensive experience litigating a wide variety of cases, including antitrust, consumer protection, commercial banking disputes, intellectual property, trust and guardianship disputes and other claims. He has tried cases in state and federal court in Washington and elsewhere. Mike represents large national corporations, including Bank of America, NA and Cingular Wireless LLC, local and regional companies, such as Group Health Cooperative and Regence BlueCross BlueShield of Oregon, and individuals.

Mike is AV-rated by Martindale Hubbell, has been selected numerous times as a Washington Super Lawyer, and is listed in The Best Lawyers in America.

Selected Representative Matters

- Lead trial counsel for Peter Pan Seafoods, Inc. and Nichiro Corporation (its parent) in the Bristol Bay Salmon Antitrust Litigation, a class action filed by fishermen who alleged price fixing by processors and certain companies that export processed salmon to Japan. Achieved a unanimous defense verdict rejecting all claims after a four-month trial.
- Lead antitrust counsel for AT&T Wireless Services, Inc. in defending Multi-District Litigation alleging tying claims. Several putative class actions were filed and consolidated in the Southern District of New York. Won summary judgment dismissing all claims.
- Successfully defended AT&T Wireless Services, Inc. in a statewide class action (originally filed as a nationwide class) challenging practice of billing in full-minute increments. Defeated class certification motion and case was dismissed prior to trial.
- Successfully defended AT&T Wireless Services, Inc. in a statewide class action alleging violations of the Fair Credit Reporting Act and the Equal Credit Opportunity Act. Case dismissed prior to trial.
- Represented and advised Regence BlueCross BlueShield of Oregon in U.S. District Court in Portland in connection with monopolization and unfair restraint of trade claims involving two Eugene, Oregon hospitals.
- Successfully represented Pacific Trading Cards, Inc. against Major League Baseball in dispute over intellectual property rights. The U.S. District Court (Southern District of New York) held that depiction of players in their uniforms on trading cards did not violate trademark rights of Major League Baseball or the baseball clubs, after which we achieved a favorable settlement. (Successfully represented the same client in similar claims against the National Football League in earlier case, also favorably settled.)

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- Successfully defended Bank of America against breach of trust claims involving complex issues of estate taxation and stock valuation. Achieved a favorable settlement.
- Successfully defended Seattle First National Bank against breach of trust claims arising from co-trustee's allegedly excessive fees in lawsuit brought by a number of major Seattle charities. Achieved a favorable settlement.
- Successfully defended Pacific Trading Cards, Inc. in consumer class action alleging violations of California's Unfair Competition Law (Bus. & Prof. Code §17200) based on marketing practices for trading cards. Obtained favorable settlement. Prior RICO suit based on same claims was dismissed before trial.
- Successfully defended AT&T Wireless Services, Inc. in a nationwide class action based on the allegedly unauthorized sale of insurance against loss or theft of cellular phones. Case voluntarily dismissed following our presentation to plaintiffs' counsel.
- Successfully defended University Savings Bank against claims of wrongful foreclosure and breach of contract. Won summary judgment dismissing claims against bank and prevailed on counterclaim for over \$200,000 in two-week jury trial.
- Successfully defended University Savings Bank (as lead lender) against claims of breach of contract and RICO violations in lawsuit by participating lenders alleging mismanagement of hotel construction. Judgment for defendants after two-week trial.
- Prevailed in pro bono action against City of Seattle challenging preemployment drug testing policy. The policy was found by the Washington State Court of Appeals to violate the Washington State Constitution.

Admissions and Community Service

Mike has been a member in good standing of the Washington State Bar Association since 1977, and is admitted to practice before all courts in the State of Washington, the U.S. District Court for the Western and Eastern Districts of Washington, and the U.S. Court of Appeals for the Ninth Circuit. Mike has been a volunteer attorney for the ACLU of Washington for many years and has handled a number of pro bono cases. He is currently Chair of the Legal Committee of the ACLU-WA. He frequently is asked to speak at Continuing Legal Education seminars and to other audiences regarding complex litigation, antitrust and civil liberties issues.

