



*The core of my work is complex litigation. The keys are hard work, efficiency and strategic outcomes.*

**Donald S. Kunze**

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#### **PRACTICE**

I have three primary practice areas: complex litigation with a focus on insurance coverage disputes, assisting retailers with environmental due diligence and serving as a mediator and arbitrator.

#### **EDUCATION**

- 1986 J.D. Duke Law School (high honors), Order of the Coif, Editorial Board Duke Law Journal (1984-1986)
- 1983 M.A. Dallas Theological Seminary (high honors)
- 1978 B.A. University of Washington (with honors)

#### **COMPLEX LITIGATION**

I have represented a wide range of clients in complex litigation, including insurers in environmental, construction defect and other coverage disputes, retailers, banks and other entities in commercial disputes and media clients in First Amendment and freedom of information disputes. Representative matters include:

##### **Environmental Insurance Coverage**

- Travelers Insurance Company v. Ross Electric
- Zandt Brass Foundry, et al. v. Travelers, et al.
- Dant & Russell, Inc. v. United Insurance Company, et al.
- Cosden Oil v. Travelers, et al.
- Champion International v. Aetna, et al.
- Truck Insurance v. Leichner, et al.
- Joseph Simon & Sons v. Aetna Fire Underwriters Ins. Co., et al.
- Ace Galvanizing, Inc. v. Maryland Casualty, et al.
- Washington Natural Gas v. Aetna, et al.
- Joseph Seagram & Sons v. Travelers Indemnity Co., et al.
- PACCAR Inc. v. Alba General Insurance Company, et al.
- Georgia-Pacific v. Aetna, et al.
- American Linen Supply Co. v. Travelers Indemnity Co.
- Snokist Growers, et al. v. WIGA, et al.
- Daiichiya-Loves Bakery, Inc. v. Travelers
- E.J. Bartells v. Travelers Indemnity Co.
- Lewis County v. Travelers Indemnity Co.

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- Public Utility Dist. No. 1 of Chelan County v. Cigna, et al.
- Cascade Natural Gas Corp. v. Aetna, et al.
- McGillis & Gibbs v. Travelers
- Puget Power & Light v. Aetna
- ICN Pharmaceuticals v. Fireman's Fund, et al.
- Foss Maritime v. Travelers
- Overall Petroleum Co. v. Kiewit Pacific Co., et al.
- Todd Shipyards v. Travelers
- ZRZ Realty Co., et al. v. Bellafonte Reinsurance, et al.
- Puget Sound Energy v. Alba General Insurance Company, et al.
- Dillingham Construction Co. v. The Continental Insurance Co., et al.
- Louisiana Pacific Corporation v. Aetna Casualty and Surety Co., et al.
- Travelers v. Ribl Immunochem
- North Pacific v. Travelers
- Sandvik v. Travelers
- Boeing v. London Market
- Weyerhaeuser v. Agricultural Ins.
- City of Seattle v. Travelers
- Lucky Stores v. Travelers
- Port of Bellingham v. Andrew Weir Insurance Co., et al.
- Puget Sound Energy v. Certain Underwriters at Lloyds, et al.
- Travelers v. Edwin Hunter
- City of Yakima v. Lexington Ins. Co.
- Rayonier v. Travelers Indemnity
- Travelers Indemnity Co. of Illinois v. National Union Fire Insurance Company of Pittsburgh, et al.
- The People of the State of California and the City of Lodi v. M & P Investments, et al.
- 1700 Seventh LP v. Aetna Casualty & Surety Company
- Transpacific Corporation, et al. v. AIG Insurance, et al.
- Continental Ins. Co. v. Foss Maritime Co., et al.
- Duwamish River Slip 4
- Overlake Village - Redmond WA
- Royal Ins. v. Dil Trust, et al.
- Leathercare, Inc. v. Travelers
- Maryatt v. American Casualty, et al.
- King County v. Swiss Reinsurance America Corporation, et al.

In addition, I have represented the Complex Insurance Coverage Litigation Association (f/k/a Insurance Environmental Litigation Association) in connection with amicus briefing before Washington and Oregon appellate courts. Representative cases include:

- Boeing v. Aetna, et al.
- Queen City Farms v. Central National Insurance Company
- Transamerican Insurance Company v. Genell Mays
- Key Tronic Corporation v. Aetna, et al.
- Weyerhaeuser Company v. Aetna Casualty and Surety Co.
- Olds-Olympic, Inc. v. Commercial Union Insurance Co., et al.
- Kitsap County v. Allstate Insurance Company, et al.
- Northern Insurance Co. of New York v. William Fjetland, et al. (B&L Trucking)

- Kathryn A. Ellis v. American States Insurance Co.
- Autosox USA, Inc., et al. v. Zurich North America and Northern Insurance Company of New York, Inc.
- Puget Sound Energy, Inc. v. Certain Underwriters at Lloyd's, London, et al.

#### Construction Defect and Other Insurance Coverage

- Board of Trustees of the Western Conference of Teamsters Pension Trust Fund v. The Travelers Insurance Co.
- Frasu v. Lexington Insurance Co., et al.
- Travelers v. Eastside Glass
- Belfor v. Travelers, et al.
- Emerald Valley Condominium Association v. Travelers, et al.
- Lazlo Construction v. Travelers
- Bayside Condominium v. Fireman's Fund Insurance Co., et al.
- Ellsworth Springs Condominium v. Hartford, et al.
- Grant County v. J. R. Swigart Co.
- Stafford Creek v. Pease & Sons

#### Media Representation Before the United State Supreme Court

- Pacific Mutual Life Insurance Co. v. Haslip, et al.
- Milkovich v. The Lorain Journal Co., et al.
- Harte Hanks Communications Inc. v. Connaughton
- CBS, Inc. v. Brown & Williamson Tobacco Corp.
- Lee Enterprises, Inc. v. Sible

#### MEDIATION AND ARBITRATION

I have served as a mediator and arbitrator since 1986. I also worked extensively with Center for Conflict Management, one of the longest-standing non-profit dispute resolution centers in Washington State. I sat on the Board for nine years, served as its President for two years and was Interim Executive Director for one year. I have mediated and arbitrated numerous and wide-ranging business, employment, ecclesiastical and other civil disputes throughout Western Washington. In 1998 I was asked to join the faculty at Pepperdine Law School's Strauss Institute for Alternative Dispute Resolution, but turned it down to continue my own mediation and arbitration practice.

#### PUBLICATIONS

- P. Cameron, DeVore, Robert D. Sack, Donald S. Kunze, "Advertising and Commercial Speech," *Communications Law* (Practising Law Institute 1985).
- Thomas S. James, Jr., Donald S. Kunze, "Insurance Coverage for CERCLA Response Costs in the Wake of *ARMCO* and *NEPACCO II*," *ABA Environmental Section Newsletter* (1988).
- Michael J. Killeen and Donald S. Kunze, "The Door to Open Government in 50 States" (1st ed. Reporters Committee for Freedom of the Press 1992).

**MEMBERSHIPS**

American Bar Association, Washington State Bar Association, King County Bar Association, Alternative Dispute Resolution Section of the King County Bar Association and Environmental Section of the King County Bar Association.

**COMMUNITY ACTIVITIES**

**Current Activities**

- Mexico Task Force for AGROS International (2001 to present), a non-governmental organization that works with poor, landless farmers in Central America and Mexico.

**Past Activities**

- Center for Conflict Management: Mediator, Arbitrator and Board Member (1986 to 1996) President (two years) and Interim Executive Director (one year).
- Legal Committee for the Washington State Environmental Council.
- Adjunct Professor, Seattle Pacific University, Introduction to Environmental Law.