



S. Karen Bamberger

Shareholder

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PRACTICE AREAS

Defense Litigation, Personal Injury, Product Liability, Retail & Hospitality and Transportation Law

OVERVIEW

Karen Bamberger is a shareholder with 25 years litigation experience. She is chair of BPM's defense litigation practice group. Her practice is primarily in the areas of product liability and complex litigation. Her litigation experience spans the breadth of defending medical drug and device manufacturers in class actions and in multidistrict litigation to defending motor vehicle drivers in catastrophic injury, brain injury and wrongful death cases and defending landowners in a wide variety of premises liability cases.

Ms. Bamberger's litigation experience also includes the defense of manufacturers of pedicle screws, inflatable penile prostheses, latex gloves, and prescription weight-loss supplements and other prescription medications. She has litigated "anxiety" cases in which plaintiffs claimed they were concerned about the possible future failure of an implanted heart valve. She has also been involved in the so-called "toxic mold" litigation, where occupants of a manufactured home claimed the presence of stachybotrus mold. Her defense experience extends to cases alleging chemical sensitization to formaldehyde by manufactured home occupants, as well as to cases involving claims of exposure to sulfur dioxide and to fumes from copier machines.

Ms. Bamberger has defended manufacturers of a wide spectrum of commercial products as well as those intended for consumer use, including glass panels, baby slings, scaffolding, bicycle component parts and paper winding machinery.

She also tried a class action suit to verdict in Pierce County, defending a water system supplier against claims that water supplied to a residential development was contaminated by copper piping.

In the context of personal injury cases, Ms. Bamberger has tried wrongful death cases, as well as serious physical injury claims on behalf of defendants.

In the course of her practice, she has litigated cases in Asotin, Island, Jefferson, King, Kitsap, Mason, Pierce, Snohomish, Skagit, Spokane, Thurston, Whatcom, and Yakima Counties, as well as the U.S. District Courts of Alaska and the Western and Eastern Districts of Washington and the Ninth Circuit Court of Appeals. Ms. Bamberger also has argued cases before the Washington Court of Appeals, Divisions I and II.

She has served as an arbitrator in personal injury cases as well.

REPRESENTATIVE CASES

- Defense of a security guard company in a wrongful death case. Client entered into contract to post security guard at front door of hotel, following attack of hotel employee the prior week. Guard left his post and assailant returned, again attacking same employee. Employee experienced severe PTSD and never returned to work. Almost exactly one year later, after attending a social event for the first time since attacks, employee suffered fatal heart attack. Employee's family brought wrongful death claim, relying on recent scientific studies causally tying PTSD to fatal cardiac events. Defense prevailed against the wrongful death claim.
- Defense of a bus company in personal injury case where plaintiff claimed that two lumbar fusions and implantation of spinal cord stimulator were due to accident involving bus, notwithstanding two subsequent motor vehicle accidents. Case settled for less than medical bills claimed.
- Defense of glass tempering business in case where squash glass court shattered upon impact. Plaintiff sustained laceration to leg and claimed arrhythmia caused by sudden blood loss and trauma, necessitating several cardioversions and medication. Defense was able to raise strong defenses to both liability arguments, resulting in favorable settlement for client.
- Defense of personal injury case where plaintiff claimed he needed a disc replacement surgery. Plaintiff was driver of passenger vehicle; bus driver collided with plaintiff's vehicle. Plaintiff was involved in another minor motor vehicle accident subsequently. Plaintiff claimed serious personal injury. Defense counsel persuaded jury that plaintiff sustained a minor soft tissue injury and commensurate damages were awarded.
- Defense of a security company in case where plaintiff alleged that guard breached his duty of care by not intervening in assault in mall parking lot. Case was dismissed on summary judgment, affirmed on appeal, with Court agreeing that there was no special relationship between security guard and patron of shopping mall, such that no duty existed and no duty was breached.

EDUCATION

University of Wisconsin-Madison, J.D. *cum laude*, 1987

Note and Comment Editor, *Wisconsin Law Review*, 1987

College of William & Mary, B.A. *with high honors*, 1984

ADMISSIONS

Washington State Bar, 1989

Arizona State Bar, 1987 (inactive)

Wisconsin State Bar, 1988 (inactive)

United States District Court, Western District of Washington

United States District Court, Eastern District of Washington

United States Court of Appeals, Ninth Circuit

PROFESSIONAL RECOGNITION

AV® Preeminent, Peer Review Rated by Martindale-Hubbell

Washington Law & Politics, "Super Lawyers" (2013-2016)

Seattle Met Magazine, "Top Lawyers" Litigation Practice Group (2010)

PROFESSIONAL & CIVIC AFFILIATIONS

Washington State Bar Association
King County Bar Association
Washington Women Lawyers
Cardozo Society Judicial Evaluation Committee
Washington Defense Trial Lawyers
Defense Research Institute
The Harmonie Group, (National network of elite and vetted law firms providing defense services to companies)
Claims & Litigation Management Alliance, Product Liability Committee Co-Chair
Greater Seattle Insurance Professionals

PUBLICATIONS & PRESENTATIONS

Presenter, "No Deadheading Here: The Power and Weight of Human Factor Expert Testimony", ATA Forum for Motor Carrier General Counsel (July 2016).

Presenter, "Case Resolution in Product Liability Cases," The Harmonie Group (April, 2015).

Presenter, "I Say Potato, You Say Kartoffel or How Not To Get Lost in Translation," Claims & Litigation Management Alliance (April 2013).

Presenter, "Alternative Dispute Resolution", Client Seminar (April 2013).

Presenter, "Do You Want Frye(s) or Daubert with That?," Washington Defense Trial Lawyers (October 2013).

Moderator, *Effective Life Care Planning / Vocational Rehab*, Using Experts to Win Your Damages Case, Washington Defense Trial Lawyers (May 2010).

Author, *Negligent Entrustment Claims Have No Place in Cases Where Employers Have Admitted Vicarious Liability* Journal of Transportation Law, Logistics and Policy, Vol. 67, No. 4 (Summer 2000).