



## Christopher W. Tompkins

Of Counsel

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### PRACTICE AREAS

Defense Litigation, Commercial Litigation, Intellectual Property, Mortgagee & Lender Liability, Product Liability, Professional Liability, Retail & Hospitality, Transportation, Insurance Coverage and Coverage Analysis, Extracontractual Exposure Advice and Insurance Litigation

### OVERVIEW

Chris Tompkins is a trial attorney with over 35 years' experience, his practice concentrates on the defense of product, professional, environmental, and general liability claims as well as insurance coverage and extra-contractual liability.

### REPRESENTATIVE CASES

- Obtained a defense verdict in a legal malpractice case on behalf of their client, a dissolution attorney. The plaintiff alleged that his former attorney fell below the standard of care in drafting and advising her client to sign a property settlement agreement. The plaintiff claimed that by signing the property settlement agreement, he incurred approximately \$1.3 million in damages. After an almost two week trial, the returned its defense verdict after deliberating for approximately four hours.
- Representation of the manufacturer of a fire engine which failed to pump water upon arrival at a fire. Pre-litigation investigation and inspections have been undertaken, and claims on behalf of five individuals killed in the fire are anticipated.
- Defended a manufacturer of medical imaging devices. Plaintiff brought an action for injuries she sustained when an x-ray table lowered on her foot. The court granted our motion to dismiss, holding that the plaintiff failed to exercise due diligence in discovering facts that were salient to her claims and that her claims were time-barred.
- Defense of agricultural chemical manufacturers against claims for both physical injury and crop damage allegedly resulting from the use and application of pesticides. Claims defended include groundwater contamination claims asserted in Washington, California and Hawaii by residents near application sites; claims by cities and water districts for contamination of drinking water aquifers; and clean up claims brought by the State of Washington under novel theories of liability. The Washington neighbors' claims were tried to a defense verdict; claims by 350 Honolulu residents were dismissed on summary judgment; and the remaining claims were favorably settled.
- Defense of manufacturers of pharmaceuticals and medical devices, including mechanical heart valves, prosthetic joints and implants, spinal stabilizers, penile prostheses, latex gloves, Rezulin®, hormone replacement therapy and phentermine in courts throughout the Northwest.

- Defense of product liability and crop damage claims from exposure to agricultural pesticides. The District Court granted summary judgment in one case, holding in part that comment k to §402A applied to pesticides and that plaintiffs' design defect claims were preempted under FIFRA. The Ninth Circuit Court of Appeals affirmed
- Defense of class action lawsuits brought against a private drinking water company based on copper levels in violation of State and Federal drinking water requirements. One action was tried to a favorable verdict; remaining claims were subsequently settled.
- Defense of manufacturers against claims alleging exposure to benzene. We obtained case management orders requiring plaintiffs to plead with particularity the product to which they were exposed, the dates when exposure occurred, and where exposure allegedly occurred. Plaintiffs' claims against our clients were dismissed through agreement or on summary judgment because plaintiffs were unable to comply with this requirement.
- Defended a company sued for over \$1 million because its coating product allegedly failed, causing damage to the product manufactured by plaintiff to which it had been applied. We achieved a settlement in which plaintiff paid our client substantial amounts previously withheld.
- Defense of the manufacturer of a medical device for aphoresis of cholesterol against patent infringement claims.
- Representation of a tobacco manufacturer against product liability and cost recovery seeking recovery of health care expenses related to use of tobacco products.
- Defense of failure to warn claims against a distiller sued in one of the first claims against alcoholic beverage companies alleging fetal alcohol syndrome as a result of a pregnant woman's consumption of alcohol. Plaintiff dismissed the case after a jury found against a different plaintiff in a similar case.
- Defense of design defect and failure to warn claims against the manufacturer of a manually retractable hitch for loading containers onto railroad cars, which was settled for a nominal amount.
- Defense of a quadriplegic passenger's claims arising out of a collision between an automobile and an agribusiness company's combiner convoy on an interstate highway.
- Defense of personal injury claims alleging improper maintenance by the lessor of a rotary hammer. A jury returned a verdict for the lessor.
- Defense of breach of contract claims against a company which terminated its broker for long-term disability benefits offered to the company's independent agents. Trial resulted in a defense judgment.
- Defense of insurers against extra contractual claims, including failure to settle within policy limits following multi-million dollar stipulated judgments; claims seeking coverage not bargained for upon placement; and coverage issues related to environmental, construction defect and other lines of coverage and legal issues.
- Defense of an orthodontist when the parent of three patients petitioned Dental Quality Assurance Commission to sanction orthodontist for terminating care before her children's results were "perfect. The Commission found the orthodontist acted appropriately and the case was dismissed.
- Defense of multiple attorney malpractice claims arising out of the plaintiffs' dissatisfaction with dissolution proceedings. All have been dismissed, or settled for nominal amounts, on the basis that plaintiffs could not establish that they could have negotiated, or would have been awarded, a larger share of the marital assets.
- Defense of an attorney malpractice claim in which the underlying case was dismissed on summary judgment after our client withdrew from representation. The malpractice claim was dismissed on summary judgment as plaintiff could not establish a triable issue of fact as to whether he would have prevailed in the action below in the absence of the alleged negligence.

- Defense of a dental clinic against a Consumer Protection Act claim alleging that a prosthodontist utilized “cow bone” instead of human graft substrate for a bone graft prior to placing implants. The case was dismissed on summary judgment by the trial court. The Court of Appeals reversed; the Supreme Court granted discretionary review and reinstated the dismissal, holding that the public interest element of the CPA had not been met.

#### EDUCATION

Stanford University School of Law, J.D., 1974

University of Illinois, B.A., 1971

#### ADMISSIONS

Washington State Bar, 1981

California State Bar, 1975

United States District Court, Eastern and Western Districts of Washington

United States Court of Appeals, Ninth Circuit

#### PROFESSIONAL RECOGNITION

AV®, Peer Review Rated by Martindale-Hubbell

*Super Lawyers*, “Super Lawyer” (2003-2017)

*Super Lawyers - Corporate Counsel Edition*, “Super Lawyers” (2010)

International Who's Who of Product Liability Lawyers (2005-2011)

*Seattle Met Magazine*, “Top Lawyers” (2010)

‘Top Attorney’ in *Washington CEO*, “Top Washington 2007” Book of Lists

*Washington CEO*, “League of Justice” (2006)

*Seattle Magazine*, “Seattle's Best Attorneys” (2005)

Mr. Tompkins was named the number one practitioner in the state of Washington for product liability expertise, according to the Fifth Edition of *The International Who's Who of Product Liability Defense Lawyers*.

#### PROFESSIONAL & CIVIC AFFILIATIONS

Defense Research Institute

Drug and Medical Device Litigation Steering Committee

International Association of Defense Counsel

Past Chair, Drug, Device and Biotech Committee

Executive Committee 2000-2003

National Foundation for Judicial Excellence

President 2010-2011

Board of Directors

Product Liability Advisory Counsel

Sustaining Member

The Harmonie Group

#### PUBLICATIONS & PRESENTATIONS

Article, *How to Save a Deposition When Defending Counsel Fights Dirty*, DRI For The Defense, Trial Tactics Edition (June 2016)

Publication, [And The Defense Wins](#), The Voice, DRI Weekly Newsletter, (May 8, 2013)

Experienced Counsel.  
Excellent Company.



Presenter, *Defending Against Efforts to Expand the Scope of the Act: Mosquera-Lacy and its Aftermath, A Trial Lawyer's Guide to the Washington Consumer Protection Act: The Act from Every Angle*, Washington State Bar Seminar, (August 2010)

Mr. Tompkins has spoken and published on environmental, product liability and professional liability issues in a number of contexts, including the Product Liability Advisory Council, the International Association of Defense Counsel and the Defense Research Institute.