



**Laura E. Kruse**  
Shareholder  
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### PRACTICE AREAS

Transportation Law, Employment Law, Commercial Litigation, Product Liability, Personal Injury, Professional Liability and Sexual Impropriety.

### OVERVIEW

Laura Kruse is a Shareholder at Betts Patterson Mines and is the law firm's Transportation Law Practice Group Chair. She is experienced in handling cases for commercial trucking and large common carrier transportation fleets in matters involving complex personal injury, catastrophic losses and wrongful death matters. Ms. Kruse also concentrates her practice on the defense of regional and national employers in a wide variety of employment related cases, including claims of wrongful discharge and retaliation, wage and overtime violations, and charges of employment discrimination based upon race, sex, age, handicap, religion and national origin. She advises her corporate clients on the application of Washington State specific employment laws and on handling complex employee issues to avoid liability exposure. Ms. Kruse is experienced in handling product liability claims filed against leading medical, pharmaceutical and chemical companies, and also concentrates her practice on the defense of real estate brokers and insurance brokers against allegations of negligence.

Betts, Patterson & Mines has attorneys on call 24-hours a day for its transportation clients in case of an emergency and/or an accident. Ms. Kruse is the primary contact for the law firm's 24-hour emergency/accident response team.

### REPRESENTATIVE CASES

- Successfully defended a trucking company at trial in an admitted liability matter. Plaintiff and her husband were involved in a five vehicle collision that was caused by the trucking company. Plaintiff self-reported to her chiropractor that she felt 90-95% pre-accident status after eight months of treatment, yet she continued to treat for an additional four years. Through expert testimony and fact development, the jury agreed with the trucking company that Plaintiff's additional treatment was not reasonable or related to the accident, and awarded Plaintiff and her husband less than \$50,000 of the nearly \$800,000 asked for in closing (or approximately 6% of the overall damages claimed).
- Defended manufacturers in a product liability matter. Our clients, who are internationally and nationally recognized manufacturers of various products used in the home and in the commercial industry, were sued under Washington's wrongful death statutes for allegedly causing illness due to alleged benzene exposure. Through extensive motion practice, we successfully obtained a court order which required plaintiffs to specifically plead with particularity the product to which they were exposed, the dates as to when such exposure occurred, and where such exposure allegedly occurred. Because plaintiffs were unable to meet this burden, we were able to obtain

dismissal of those claims filed against our clients through agreement and through summary judgment motion practice.

- Defended a company in a product liability case. Our client was sued for over \$1 million because its product allegedly caused damage once applied to the product manufactured by the plaintiff. With collaboration from our client, we were able to take a strong stance through discovery and through motion practice, such that the plaintiff ended up entering into a settlement agreement which resulted in the plaintiff paying our client on the amounts due and owing and the case was dismissed with prejudice.
- Successfully dismissed a significant portion of the Plaintiff's overtime wage claim on summary judgment. The District Court of Alaska granted summary judgment dismissing a portion of plaintiff's claim seeking an additional year of overtime wages, and agreed that Defendant's actions in treating the employee as an exempt employee was not willful. Defendant was able to negotiate a favorable settlement based, in part, on the success of this motion.
- Obtained summary judgment dismissal in favor of a bus company. Plaintiff failed to timely serve the bus company and its driver before the passage of permissible time to commence a lawsuit. In federal court, we successfully argued that Plaintiff's attempts to serve both Defendants was ineffective and improper, and that Plaintiff was not allegedly incapacitated at the time he filed the lawsuit.
- Defended a manufacturer in a product liability case. As a result of intense discovery and by taking a strong stand in settlement discussions, we resolved an alleged product failure case for a manufacturer of logging equipment for less than 5% of Plaintiff's settlement demand.
- Defended a trucking company in a personal injury matter. Our client, one of the largest carriers in the nation, was sued for personal injuries resulting from a side-impact collision. After an intense and detailed deposition of the Plaintiff's back surgeon, we were able to settle this case for less than medical specials claimed and for less than 3% of Plaintiff's settlement demand.
- Defended a bus company in a property damage matter. Our client, one of the largest common carriers in the world, was dismissed with prejudice after we discovered through discovery and investigation that Plaintiff had lied about how the damage was incurred
- Defended an employer in an employment law matter. Our client was sued for sexual harassment on the basis that its manager allegedly engaged in sexually suggestive language to a female employee. We were able to successfully negotiate a very favorable settlement of the lawsuit, well below any potential exposure to the client had the case gone to trial.
- Obtained summary judgment dismissal in favor of a bus company. Plaintiff and her attorney continually failed to comply with and follow the state's and the county's civil rules of procedure, both in complying with discovery and in timely responding to Defendants' Motions for Summary Judgment. Through persistent motion practice, the Court agreed with the bus company that Plaintiff and her attorney's continued failure to comply with the rules was not going to be tolerated and granted Defendants' Motions for Summary Judgment.
- Defended a bus company in a transportation law matter. The Personal Representative of the Decedent, the estranged husband, filed a wrongful death claim against our clients, a bus company and the driver, on the basis that the decedent was struck and killed while allegedly crossing an unlit crosswalk at night and in the rain. We successfully mitigated the Personal Representative's (e.g., the estranged husband's) 10 million dollar claim through mediation by arguing, with merit, that the defunct marriage doctrine significantly weakened the Personal Representative's status as a statutory beneficiary.

- Defended a bus company in a transportation law matter. After two lumbar fusions, a laminectomy and the implantation of a spinal cord stimulator, the plaintiff claimed he was fully disabled due to an accident involving our client's bus. Plaintiff, however, was involved in two subsequent accidents after the one involving our client, both of which occurred before any medical doctor advised for surgical intervention. The case settled for less than the medical bills claimed.
- Defended an attorney in a professional liability case. Our client was sued for violations of the Real Estate Brokerage Relationship Act, RCW 18.86, and under the Consumer Protection Act, RCW 19.86, for alleged damages arising out of our client's representation of the plaintiff, as her attorney only, in the negotiation of plaintiff's property in a short sale. Summary judgment was granted in favor of our clients, the real estate brokerage firm and the individual real estate broker, based on the fact that neither had engaged in "real estate brokerage" services as defined by statute.
- Defended two debt resolution companies in a bankruptcy matter. Our clients were sued by the trustee for the bankruptcy estate to recover funds paid by the debtor to our clients to resolve their debts, under a fraudulent conveyances theory. We were able to favorably settle the claim filed by the trustee for less than the amount allegedly fraudulently conveyed.
- Defended a parking management company in a personal injury claim. The plaintiff sued our clients, a valet driver and his employer, for personal injury damages, including damages for his alleged injury and lost wages, which were allegedly caused as a result of being struck while crossing in the middle of First Avenue, at night, while not in a crosswalk. As a result of a detailed investigation relating to plaintiff's alleged lost wages and extensive discovery efforts regarding plaintiff's alleged physical injuries, we were able to settle plaintiff's nearly \$500,000 claim for \$20,000.
- Defended a company in a product liability matter. Our client was sued for product failure, when its product allegedly caused damage to the plaintiffs' residence once applied. Through aggressive negotiations, involving detailed discovery efforts, we settled the plaintiffs' claims for terms consistent with the products' warranties and at a substantial cost benefit to our client.
- Defended a debt adjustment service in a class action lawsuit. Plaintiff, on behalf of a putative class, sued our clients, who engage in debt adjusting services for debtors, on the basis that they allegedly violated Washington's Debt Adjusting Act, RCW 18.28. We have successfully moved the case to AAA arbitration by enforcing the arbitration provision in the parties' contract and are prepared to argue, based on the recent United States Supreme Court's decisions in *Stolt-Neilson S.A. v. AnimalFeeds Int'l Corp.*, 130 S. Ct. 1758 (2010) and *AT & T Mobile LLC v. Concepcion*, 131 S. Ct. 1740 (2011), that the subject arbitration clause does not permit class action arbitration.
- Defended an employer in an employment law case. Our client was sued for wrongful termination in violation of a public policy after it terminated the employment of one of its insurance agents because the agent refused to quit coaching baseball during the summer, an event that caused him to miss work and caused him to neglect the needs of his clients. Summary judgment dismissal of the claim was granted in our client's favor, in the Eastern Washington District Federal Court.
- Defended a private school in sexual impropriety cases. Our client, who is affiliated with the Roman Catholic Church, ran an orphanage up to 1970 and currently runs a local private school, was sued for allegations that it negligently supervised its agents who allegedly engaged in sexually inappropriate conduct dating back to the 1930s. For approximately 6 years, we represented our client against numerous claims of childhood sexual abuse, brought by now adult men. We successfully litigated in order to mitigate the claimed damages through aggressive deposition practice, intensive investigation efforts, and extensive motion practice, including fending off a potentially explosive punitive damages motion which was based on alleged out of state acts undertaken by our client.

- Defended a company in an intellectual property matter. Our clients were sued for alleged copyright infringement for manufacturing a plastic model of an anatomical aspect of the human body. We were able to successfully negotiate a settlement with the plaintiff, while denying any liability for allegedly violating any alleged copyright of a depiction that lacks originality.

#### EDUCATION

Gonzaga University, J.D. *magna cum laude*, 2002

Alpha Sigma Nu, National Honor Society of Jesuit Institutions

Semi-finalist, Gonzaga Moot Court Competition, awarded "Best Brief"

Western Washington University, B.A., 1998

#### ADMISSIONS

Washington State Bar, 2002

Ninth Circuit Court of Appeals

United States District Court, Western and Eastern District of Washington

United States District Court for the District of Alaska, *pro hac vice*

#### PROFESSIONAL RECOGNITION

*Super Lawyers*, "Top 50 Women Attorneys" (2014-2016, 2018)

*Super Lawyers*, "Super Lawyers" (2013-2018)

*Super Lawyers*, "Rising Stars" (2007-2008, 2010-2012)

#### PROFESSIONAL & CIVIC AFFILIATIONS

American Trucking Associations

Member

Claims & Litigation Management Alliance

Defense Research Institute

Greater Seattle Insurance Professionals

Board Member (2012 – 2013)

International Association of Insurance Professionals

King County Bar Association

Mother Attorneys Mentoring Association of Seattle

The Harmonie Group

Vice-Chair, Transportation Committee

Transportation Lawyers Association

Washington Defense Trial Lawyers

Washington State Bar Association

Washington Trucking Association

Supplier Member

#### PUBLICATIONS & PRESENTATIONS

Author/Presenter, *How to Avoid Being the Big Fish in Upstream Liability Cases*, Arkansas Trucking Seminar (2018, anticipated)

Author, *Preservation of Evidence and State Survey of Spoliation Laws*, Transportation Seminar, The Harmonie Group (2018)

Author/Presenter, *Regulatory Updates in Trucking*, Transportation Seminar, The Harmonie Group (2018)

Author, *Work Product Privilege Regarding Early Investigation Materials*, Transportation Seminar, The Harmonie Group (2018)

Presenter, *PTSD – A Bridge Too Far*, Arkansas Trucking Seminar (2017)

Author, *Impact of Generational Differences on Jury Dynamics – Understanding How to Communicate to Jurors’ Generational Differences*, The Harmonie Conference, (January 2016)

Author/Presenter, *Advanced Employment Law, Compliance with The Fair Labor Standards Act – Latest Developments*, National Business Institute, (December 2015)

Author/Presenter, *Family Medical Leave Act – Overview, Pitfalls and Reducing Risk/Abuse*, Client Specific Presentation, (July 2015)

Author, *The EEOC’s Recent Treatment of Religious Accommodation Claims in the Workplace and the Impact of Those Claims on the Transportation Industry*, Transportation Seminar, The Harmonie Group, (2015)

Author, *Owner-Operator Status Under Attack - What Factors Trigger Employee Status*, Transportation Seminar, The Harmonie Group, (2015)

Author/Presenter, *EEOC’s Attack on the Trucking Industry, “The Pregnancy Discrimination Act – New EEOC Guidance Post Young v. UPS*, (September 2015)

Moderator, *“Show Me The Money:” Credit and Collection Issues and Strategies in the Transportation Arena*, Transportation Lawyers Association, Annual Conference & CTLA Midyear Meeting, (2015)

Author/Presenter, *Employment Law Update*, Client Specific Presentation, September 2014

Author, *The Discoverability and Admissibility of Surveillance Evidence*, Transportation Seminar, The Harmonie Group, (2014)

Author, *Summary of the New Hours of Service Regulations*, Client Specific Presentation, (August 2013)

Author/Presenter, *The Duty to Issue and Follow Litigation Holds and the Impact of Failing to Preserve Potentially Relevant Evidence*, Transportation Seminar, The Harmonie Group, (May and June 2013)

Presenter, *Subrogation: Medicare, ERISA, Auto and Workers’ Compensation Challenges, Medicare Issues in Personal Injury Litigation*, National Business Institute, June 2013

Author, *Peculiar Susceptibilities of Plaintiff – the “Egg-Shell” Plaintiff Rule*, Transportation Seminar, The Harmonie Group, (2012/2013)

Author, *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)