



## RORY D. COSGROVE

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### Education

J.D., Willamette University College of Law,  
summa cum laude, 2014

- Class Rank: 2/113
- Managing Editor (Vol. 50), Willamette Law Review
- Honors Appellate Brief, Legal Research and Writing
- Certificate in International and Comparative Law
- Research, Writing, and Editing Assistant to Dean Emeritus Symeon Symeonides
- Legal Writing Assistant to Professor Helen Mazur-Hart

B.A., Eastern Washington University, magna cum laude, 2008

- Majors: International Affairs and French
- Vice President, Sigma Phi Epsilon
- Study Abroad, Université Stendhal III, Grenoble, France

### Bar and Court Admissions

State of Washington  
U.S. District Court, Western District of Washington  
U.S. Court of Appeals, Ninth Circuit

### Languages

French

Rory's passion is civil appeals in state and federal courts. He has been counsel of record in over 50 appeals. He has argued in the U.S. Court of Appeals for the Ninth Circuit and in all three Divisions of the Court of Appeals of the State of Washington. He has filed amicus briefs in the Washington Supreme Court on behalf of national trade associations, insurance companies, and the Washington Defense Trial Lawyers.

Rory is proud to have represented many major American companies, including Volkswagen, Graco, Pep Boys, and Comcast. What distinguishes Rory from his peers is his unwavering commitment to serving and building strong relationships with his clients. He strives to be his clients' ambassador of Kwan, so it's no wonder that his favorite movie is *Jerry Maguire*.

Rory's philosophy to service is the same for all his clients: deliver exceptional legal work to exceed his clients' goals. Clients can always count on Rory to provide the highest quality legal services.

Rory is routinely hired to serve as error prevention/preservation counsel. In that role, he assists the trial team in preparing dispositive motions, motions in limine or objections to motions in limine, jury instructions and objections to jury instructions, and pocket briefs (among other things). Through his efforts as error-prevention counsel, he has helped his clients secure defense verdicts or favorable settlements. Rory's deep understanding of appeals strengthens his service to clients in the trial court.

Before joining the firm, Rory clerked for the Honorable James R. Verellen at the Court of Appeals of the State of Washington, Division One, for two years. His clerkship gave him valuable insight into the judicial decision-making process. Rory uses that insight to assist his clients. And while in law school, Rory clerked for the Oregon Court of Appeals in the Appellate Commissioner's Office.

Rory understands the importance of diligence. Before law school, he taught English in France for two years; sold merchandise at Nordstrom on the Las Vegas Strip; co-owned a painting business with his best friend in college; made breakfast at McDonald's in high school; and delivered newspapers to his local community as an adolescent. He still incorporates the skills that he learned at each of these jobs into his legal practice.

Outside of the office, Rory enjoys working out, traveling abroad, and spending time with his beautiful wife, precocious young sons, family, and friends. Rory channels his love for basketball by playing in Spokane's Hoopfest tournament—14 years and counting. And no matter the weather, Rory will be found on the links working on his short game.

### Honors and Recognitions

- Rising Star, Washington State Super Lawyers, 2018-2024
- Washington Defense Trial Lawyers Outstanding Associate of the Year, 2019
- Roy Lockenour Award for Professional Responsibility
- 2008 Yarwood Award, Top Dean's Honor Student for Modern
- 2008 Washington's Strongest Apple Champion
- 2006 Washington Ironman Bodybuilding Champion

### Publications

- *"Disqualification and Recusal of Federal Appellate Judges," For the Defense (DRI), February 2019.*
- *"Effect of Digital Technology on Reading and Writing Appellate Briefs," For the Defense, DRI, February 2018*
- *"Expansion of Judicial Review of Arbitration Awards," Co-Author, Appellate Practice, March 13, 2017*

### Presentations

- *"Rethinking Trial Practice After Henderson," Washington Defense Trial Lawyers, Annual Convention, 2023.*
- *"Error Prevention," Washington Defense Trial Lawyers, Annual Convention, 2022.*
- *"Amicus Practice," King County Bar Association Appellate Section (with Larry Ebner), 2021.*
- *"Deposition Skills Practicum," WDTL Annual Convention, Co-Moderator (with Jenna R. Goltermann), July 2019.*
- *"That's What Friends Are For: Things We All Should Know for Cocktail Parties," WDTL Annual Convention, Co-Moderator (with Jenna R. Goltermann), July 2019.*
- *"ProBuilders, Court's Expansion of the Application of the 'Efficient Proximate Cause Doctrine'," PCI Association of America's 29th Annual Western Region General Counsel Seminar, San Diego, CA, August 2018.*
- *"Recent Developments in and Nuts and Bolts of Appellate Practice," Litigation Group, Carney Badley Spellman, P.S., May 2018.*
- *"State and Federal Appellate Practice: 1920 to Present," National Association of Legal Secretaries, Annual Conference, April 2018.*
- *"Nuts and Bolts of State and Federal Court Appellate Practice," National Association of Legal Secretaries: Greater Seattle Chapter, February 2018.*
- *"Developing a Pro Bono Appellate Practice," King County Bar Association Appellate Section, December 2017.*

### Representative Pro Bono Cases

- Negotiated structured settlement agreement on behalf of residential tenant facing eviction to keep the tenant in her home an extra month and to avoid enforcement of a writ of restitution.
- Rory is currently serving as court-appointed pro bono counsel in a civil appeal before the United States Court of Appeals for the Ninth Circuit.
- Represented a client facing eviction and successfully negotiated with opposing counsel to keep the client in his home an extra 120 days.
- Represented client facing eviction and \$12,000 in allegedly owed rent, and obtained an order dismissing the unlawful detainer action including an order of limited dissemination.
- Successfully obtained a show cause hearing for a client facing eviction in an unlawful detainer action.
- Represented residential tenant in a post-eviction hearing and successfully obtained an order reinstating client's term tenancy and an order limiting dissemination of the unlawful detainer action.
- Represented residential tenant facing eviction and successfully negotiated with opposing counsel to keep client in her home for an extra month and saved client over \$3,000.

### Representative Appellate Cases

- *McCullough v. Anderson*, No. 57283-4, \_\_\_ Wn. App. 2d \_\_\_ (2023) (easement dispute; affirming a summary judgment preserving our client's property rights) *Pacific Lutheran University et al. v. Lloyd's*, No. 100752-3 (2022) (antisuit injunction and forum non conveniens; persuading the Washington Supreme Court to grant direct discretionary review of a permanent injunction)
- *ROIC Washington, LLC v. R.F. Edmonds Joint Venture*, No. 83289-1-I, 25 Wn. App. 2d 1006 (2022) (breach of contract)
- *Sumner Plains 84, LLC v. Wakefield*, No. 55406-2, 23 Wn. App. 2d 1002 (2022) (breach of contract; partially reversing a summary judgment and remanding the client's claim for trial)
- *Dearinger v. Eli Lilly & Co.*, 199 Wn.2d 569, 510 P.3d 326 (2022) (product liability; quoting and relying on our client's amicus brief and rejecting the plaintiff's argument that the learned-intermediary doctrine contains a direct-to-consumer advertising exception)
- *Singh v. University of Washington*, No. 80662-9, 18 Wn. App. 2d 1061 (2021) (employment law; partially reversing a summary judgment and remanding the client's disability-accommodation claim for trial)
- *Fife Portal, LLC v. Kotulan*, No. 53444-4, 14 Wn. App. 2d 1019 (2020) (trespass)
- [\*W.H. v. Olympia School District\*](#), \_\_\_ Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, 2020 WL 3275612 (2020) (drafted an amicus-curiae brief on behalf of the Washington Defense Trial Lawyers in a certified-question appeal from the United States District Court for the Western District of Washington to the Supreme Court of Washington)
- [\*Rosen v Rosen\*](#), 52945-9-II, 2019 WL 6131246 (Wash. Ct. App. 2019) (affirming the trial court's grant of summary judgement in our clients' favor and awarding our clients attorneys' fees and costs on appeal)
- [\*Sawyer Lake Veterinary Hosp., Inc., P.S. v. Pine Tree Veterinary Hosp.\*](#), 8 Wn. App. 2d 1070, 2019 WL 2180128 (May 20, 2019) (successfully defended trial court's order denying the opposing sides' motion to set aside the summary-judgment dismissal of the opposing sides' claims under CR 60(b)).
- [\*Ada Motors, Inc. v. Butler\*](#), 7 Wn. App.2d 53, 432, P.3d 445 (2018) (uniform trade secrets act) (reversed a damages and attorneys' fee award after a jury verdict and remanded for a new trial on damages), *rev. denied*, 193 Wn.2d 1013, 441 P.3d 828 (2019).
- *JDB Construction Corp. v. Hai Liang Zhang*, No. 76705-4, 8 Wn. App. 2d 1024 (2019) (fraud)
- *Trahan v. Clayton Dublier & Rice*, No. 14-35366, 741 F. App'x 397 (9th Cir. 2018) (negligence)
- *Ingersoll v. City of Mattawa*, No. 34848-2, 3 Wn. App. 2d 1038 (2018) (employment law)

- Drafted an amicus brief on behalf of the Washington Defense Trial Lawyers Association on specific personal jurisdiction to support a petition for review to the Washington Supreme court (Aug. 2017).
- Successfully persuaded the Washington Supreme Court to deny our opponent's petition for review and to award our clients reasonable attorney's fees and expenses ([Oct. 2017](#)).
- *Noll v. Special Electric Co., Inc.*, 188 Wn.2d 402, 395 P.3d 1021 (2017) (specific jurisdiction) (reversed and remanded)
- Drafted an amicus curiae brief on behalf of a national insurance association in the Washington Supreme Court (August 2016)

### **Representative Error/Prevention Preservation Cases**

- *Green et al. v. Armani Group, Inc. et al.*, King County Superior Court No. 22-2-00449-5 SEA (pre-trial preservation efforts in a negligence case resulted in a favorable settlement for the client)
- *Kemp v. Graco Children's Products, Inc. et al.*, King County Superior Court No. 20-2-08713-1 KNT (products liability; month-long jury trial resulted in a defense verdict for client)
- *Yeon v. Pep Boys – Manny, Moe & Jack of Delaware, Inc. et al.*, King County Superior Court No. 19-2-15292-3 KNT (negligence; persuaded the trial court to reconsider a pre-trial discovery sanction of default, resulting in a favorable settlement for client)
- *Anderson v. Comcast Cable Communications, LLC et al.*, Pierce County Superior Court No. 20-2-06720-8 (negligence, products liability; pre-trial preservation efforts resulted in a favorable settlement for the clients)
- *Lynch v. City of Seattle*, King County Superior Court No. 19-2-31460-5 SEA (negligence; nearly two-month-long jury trial resulted in a defense verdict for client)

### **Representative Trial Cases**

- *Noll v. Special Electric Co., Inc.*, 188 Wn.2d 402, 395 P.3d 1021 (2017), (successfully obtained a dismissal on the merits for lack of specific personal jurisdiction following the Washington Supreme Court's remand)
- Successfully obtained a summary-judgment dismissal of a counterclaim striking down a unilateral attorney's fees provision in a homeowners' association's declaration of covenants, conditions, and restrictions.
- Successfully obtained a CR 12(c) dismissal in King County Superior Court in a complex commercial dispute.

### **Professional Associations**

- Washington State Bar Association
- American Bar Association
- King County Bar Association, Appellate Practice Section: Chair  
KCBA Appellate Section Executive Committee (2016-21) (former chair, 2021)
- Washington Defense Trial Lawyers Association: Amicus Curiae Committee, Annual Convention Planning Committee (2019, 2020)  
WDTL Executive Board, Treasurer 2023-24  
WDTL Amicus Committee (2017-present)
- Defense Research Institute: Appellate Advocacy Section

**Community Activities**

- Volunteer Attorney, King County Housing Justice Project
- Volunteer Attorney, King County Neighborhood Legal Clinic