

GORDON TILDEN THOMAS & CORDELL LLP

ATTORNEYS AT LAW

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FRANKLIN D. CORDELL

PROFESSIONAL EXPERIENCE

Partner, Gordon Tilden Thomas & Cordell LLP, 2007-Present
Partner, Gordon Murray Tilden, LLP, 1998-2007
Associate, Gordon Murray Tilden, LLP, 1996-1998
Associate (Insurance and Litigation Practice Groups), Covington & Burling,
Washington, D.C., 1992-96
Law Clerk to the Honorable H. Emory Widener, Jr., of the United States Court of Appeals for
the Fourth Circuit, 1991-92

EDUCATION

J.D. *summa cum laude*, 1991, Washington & Lee University School of Law,
Lexington, Virginia
Senior Lead Articles Editor, WASHINGTON & LEE LAW REVIEW, 1990-91
Order of the Coif, 1991
B.A., 1988, University of Virginia, Charlottesville, Virginia

PRACTICE AREAS, RELEVANT EXPERIENCE, AND REPRESENTATIVE CLIENTS

- Business litigation and litigation-oriented advice, with emphasis in insurance coverage advice and litigation on behalf of policyholders.
- Experienced in advising policyholders and prosecuting claims and coverage litigation under a broad range of coverage lines and underlying liabilities, including: environmental liability; employment discrimination; aviation products liability; workers' compensation and employer's liability; long-term disability; health insurance; construction defects; insurance archaeology and lost-policy issues; D&O policies; insurer insolvency proceedings; broker and agent liability; and London-market issues.

REPRESENTATIVE MATTERS AND JUDICIAL DECISIONS

- Represented The Boeing Company as lead coverage counsel since late 1990s. Participated in recoveries of insurance proceeds in the hundreds of millions of dollars, under wide range of coverage lines.
- Represented Weyerhaeuser Company in multiple insurance claims and high-stakes coverage litigation, 1990s through the present.

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- Appointed by the State of Washington as Special Assistant Attorney General, responsible for all insurance-coverage advice and litigation on behalf of the State, 2000 through the present.
- *Planet Earth Foundation v. Gulf Underwriters Ins. Co.*, 2005 Wash. App. LEXIS 3093 (Dec. 5, 2005). Represented policyholder in coverage dispute raising novel issues under “professional services” exclusion. Successfully sought discretionary review by Washington Supreme Court of lower-court rulings for insurer. Case settled after February 2009 oral argument before the Washington Supreme Court.
- Lead policyholder counsel in groundbreaking coverage litigation arising out of land-use dispute: *In re Feature Realty Litig.*, 468 F. Supp. 2d 1287 (2006); *In re Feature Realty Litig.*, 2007 U.S. Dist. LEXIS 34352 (E.D. Wa. May 10, 2007); *In re Feature Realty Litig.*, 2007 U.S. Dist. LEXIS 53702 (E.D. Wa. July 25, 2007); and *In re Consolidated Feature Realty Litig.*, 2008 U.S. Dist. LEXIS 5505 (E.D. Wa. Jan. 25, 2008).
- *Virginia Mason Med. Ctr. v. Executive Risk Indem., Inc.*, 2007 U.S. Dist. LEXIS 85724 (W.D. Wa. Nov. 14, 2007), *aff’d*, 2009 U.S. App. LEXIS 11242 (9th Cir. May 7, 2009)
- *S&K Motors, Inc. v. Harco National Ins. Co.*, 151 Wn. App. 633 (2009).
- *Weyerhaeuser Co. v. Fireman’s Fund Ins. Co.*, 2007 U.S. Dist. LEXIS 92521 (W.D. Wa. Dec. 16, 2007).
- *Cadet Mfg. Co. v. American Ins. Co.*, 2006 U.S. Dist. LEXIS 22625 (W.D. Wa. March 30, 2006).
- *Bada Restaurants, Inc. v. Hentschell & Assocs.*, 2004 Wash. App. LEXIS 286 (March 1, 2004).
- *Voicestream Wireless Corp. v. Federal Ins. Co.*, U.S. App. LEXIS 19381 (9th Cir. May 7, 2004).
- *Puget Sound Energy, Inc. v. Alba Gen. Ins. Co.*, 149 Wn.2d 135 (2003).
- *Costco Wholesale Corp. v. Commonwealth Ins. Co.*, 2002 U.S. App. LEXIS 17395 (9th Cir. Aug. 9, 2002).

REPRESENTATIVE INSURANCE CLIENTS

- The Boeing Company; State of Washington; Weyerhaeuser Company; Costco Wholesale; Virginia Mason Medical Center; State of Washington; Cadet Manufacturing Co.; Puget Sound Energy, Inc.; Magnusson Klemencic Associates; City of Bellevue, Darigold, Inc.

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ADMITTED TO PRACTICE

Virginia – 1991

District of Columbia – 1992

Colorado – 1993

Washington – 1996

U.S. Court of Appeals, 4th Cir. – 1992

U.S. District Court, W.D. and E.D. Virginia – 1992

U.S. District Court, W.D. and E.D. Washington – 1996 and 1999

U.S. Court of Appeals, 9th Cir. – 2000

PROFESSIONAL RECOGNITION

“AV” rating by Martindale-Hubbell

Named as a “Superlawyer” by *Washington Law & Politics* Magazine, 2001-2010

Top-100 Vote Recipient, *Washington Law & Politics* “Superlawyer” Survey, 2009

Named as a “Rising Star” by *Washington Law & Politics* Magazine, 1999 and 2001

SPEAKING ENGAGEMENTS AND PUBLICATIONS

Author, Chapter 20, “Conditions and Insured’s Duties,” in *New Appleman on Insurance Law—Library Edition* (Forthcoming)

Co-Author, with Christie L. Snyder, of Chapter 9, “Determining the Duties of the Policyholder,” in *Appleman Insurance Law and Practice Guide* (2007)

Co-Chair, *Mealey’s Insurance: All Sums Versus Pro-Rata Allocation, Methods of Exhaustion, Reallocation and Settlement Credits*, October 15, 2007, Washington, D.C.

Speaker, *Insurance Bad Faith Claims in Washington*, Lorman Education Service, July 22, 2008, Seattle, Washington

Speaker, *Insurance Bad Faith Claims*, Lorman Education Services, July 19, 2007, Seattle, Washington

Speaker, *Insurance Coverage Law*, National Business Institute, January 17, 2007, Seattle, Washington

Speaker, *Contractual Risk-Transfer Mechanisms—A Primer and Selected Recurring Issues*, State of Washington Attorney General’s Office, December 7, 2006, Lacey, Washington

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Speaker, *Ethical Dilemmas for the Practicing Lawyer*, Washington State Bar Association, November 13, 2006, Seattle, Washington

Speaker, *Insurance Bad Faith Claims in Washington*, Lorman Education Services, July 19, 2006, Seattle, Washington

Speaker, *All Sums: Reallocation & Settlement Credits Conference*, Mealey's, November 7, 2005, Boston, Massachusetts

Faculty, *A Policyholder's Perspective on Inter-Insurer Disputes*, American Bar Association Annual Meeting, August 6, 2005, Chicago, Illinois

Faculty, *Insurance Law: Third Party Coverage in Washington*, National Business Institute, February 4, 2005, Seattle, Washington

Faculty, *Taking and Defending Effective Depositions in Washington*, Lorman Education Services, January 21, 2005, Seattle, Washington

Faculty, *Insurance Coverage Law in Washington*, National Business Institute, June 2005, Olympia and Seattle, Washington

Faculty, *The Essentials of Document Collection, Production and Discovery*, Washington State Bar Association, September 30, 2003, Seattle, Washington

Faculty, *Environmental Advocacy Institute*, American Bar Association, Section of Environment, Energy, and Resources, March 21, 2002, Atlanta, Georgia

Faculty, *Insurance Law – Third Party Coverage*, National Business Institute, June 20, 2001, Seattle, Washington

Faculty, *Insurance Coverage Law in Washington*, National Business Institute, December 16, 1999, Seattle, Washington

Faculty, *The Fire Downtown – A Chemical Emergency and its Aftermath*, Alabama Bar Institute for Continuing Legal Education, May 14-15, 1999, Gulf Shores, Alabama

Faculty, *Y2K Issues and Dilemmas*, Law Seminars International, March 5, 1999, Seattle, Washington

Faculty, *Basic Insurance Law for Paralegals in Washington*, Institute for Paralegal Education, June 3, 1998, Seattle, Washington

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Co-Chair, Program Committee and Program Author, *The Mock Trial as Settlement Device and Trial-Preparation Tool*, ABA Section of Litigation Annual Meeting, April 1998, and ABA Section of Litigation, Insurance Coverage Litigation Committee Mid-Year Meeting, February 1998

John G. Buchanan III & Franklin D. Cordell, *War or Truce? Selected Recent Developments Affecting Environmental Coverage Litigation*, in AMERICAN BAR ASSOCIATION SECTION ON LITIGATION, INSURANCE Coverage Litigation Committee 1994 Mid-Year Meeting, Written Materials

John L. Ellicott & Franklin D. Cordell, *Judicial Review Under the Export Administration Act of 1979: Is It Time to Open the Courthouse Doors to U.S. Exporters?*, in *Finding Common Ground: U.S. Export Controls in a Changing Global Environment* 321 (National Academy of Sciences 1991)

Note, *The Private Mortgage Insurer's Action for Rescission for Misrepresentation: Limiting a Potential Threat to Private Sector Participation in the Secondary Mortgage Market*, 47 WASH. & LEE L. REV. 587 (1990)