



Dale L. Kingman

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Profile

Dale Kingman is a trial lawyer who focuses his practice on the resolution of complex insurance coverage disputes on behalf of policyholders throughout the United States. In addition, he handles select commercial disputes, especially within the construction industry.

Dale has been a litigator for 40 years. He has tried to bench or jury, or arbitrated, more than 45 matters in Washington, Oregon, California, Alaska, Florida, and the District of Columbia. Dale has been retained for matters in 35 states plus the District of Columbia.

Dale's efforts have earned him significant professional and insurance-industry recognition, including being named 2016 Lawyer of the Year by Best Lawyers in America. He is a frequent speaker at local and national insurance seminars and has written and presented numerous articles and papers pertaining to insurance recovery issues.

Dale also is an accomplished and sought-after mediator, and has served as mediator in more than 1,300 cases over the past 20 years. His experience includes resolution of disputes over insurance coverage, intellectual property, product liability, real property, and construction defect and contract claims. He is a member of multiple American Arbitration Association panels.

Prior to joining the firm in 2008, Dale was a partner in the insurance recovery practice at another Seattle-area law firm. In addition to his law degree, he holds a Master of Laws degree in taxation.

Education

- L.L.M. (Taxation), University of Denver School of Law, 1982
- J.D., Seattle University School of Law, cum laude, 1976
- B.B.A., Gonzaga University, 1971

Recognition

- Listed in Best Lawyers in America®, Insurance Law and Litigation-Construction
- Recognized in Best Lawyers in America® as “Lawyer of the Year,” Insurance Law, 2016
- Recognized by Seattle Met magazine in Best Lawyers in Seattle for Insurance Coverage
- Rated by Martindale-Hubbell® Peer review as AV® Preeminent™ 5.0 out of 5.0
- Recognized by Super Lawyers Magazine as Super Lawyer, Insurance Coverage, since 2003
- Recognized by Super Lawyers Magazine as Top 100: Washington Super Lawyers List, since 2010

Representative Matters

Tunnel boring machine breaks down, insurers refusing to pay

The \$3.1 billion Seattle tunnel was designed to replace the downtown Alaskan Way Viaduct after it was damaged in a 2001 earthquake. The “Bertha” tunnel-boring machine sustained physical damage far beneath the surface, and a recovery shaft was drilled so that it could be repaired. A consortium of insurance companies denied coverage to Seattle Tunnel Partners’ (STP) claims under a Builder’s Risk Policy. STP, the contractor building the SR 99 Alaskan Way Viaduct Replacement Project in Seattle, is seeking coverage from its property insurers for damage to the project and the tunnel-boring machine.

In 2015, STP filed a lawsuit seeking recovery of policy proceeds. Along with co-counsel, GTTC lawyers Dale Kingman, Matthew Pierce, and Greg Pendleton represent STP in this ongoing massive insurance recovery case. Dale represented STP in a vigorous court battle over where the insurance dispute was to be decided. Over months of litigation, he helped STP’s litigation team defeat the insurers’ numerous attempts – at both the Superior Court and appellate levels – to move the dispute to New York. The case will now be decided locally, in the community the project serves.

D.C. Court rules for building owner in construction defect dispute

A large, multi-employer pension fund with significant real estate holders was involved in a multi-million dollar construction defect suit involving extensive water damage in a building it owned in Washington, D.C. Dale Kingman and Haley Krug represented the pension fund in complex, multi-party litigation that ended in a three-month trial. The court awarded significant damages to repair leaks and resulting water damage throughout the building. Dale and Haley also obtained substantial recoveries for the owners through pre-trial settlements.

Defending an investment advisor in “bet the company” bad faith case

An investment advisor was sued for misrepresentation and violation of the securities act. When the investment advisor turned to its insurer to cover the cost of defending against these claims, the insurer denied coverage. Without coverage, the cost of defending against these claims would put this company out of business.

During the trial of the underlying case, Dale Kingman successfully secured defense costs – allowing the company to defend itself. After the client prevailed in defense of the underlying claims, and following a three-week arbitration hearing, he secured a significant recovery against the insurer for bad faith and the client’s attorney fees. In addition, he secured

recovery of all costs and attorney fees incurred in the bad faith action.

Insurance recovery helps businesses survive after hurricane damage

Following severe hurricane damage in the Southeast in 2004 and 2005, Dale Kingman assisted hotel companies, commercial property owners and condominium associations in the recovery of more than \$150 million in property insurance from their respective insurers.

After four months of litigation, insurer accepts coverage for business interruption claim

Following severe storm damage to one of its processing facilities, a large family-owned food company sought business interruption coverage under a commercial property policy. The company's insurer claimed that, when the property was added to the policy as an insured location, no extra premium had been paid. In fact, the business interruption coverage was part of a blanket "sublimit" which was not changed with the addition of the new location.

With the assistance of Dale Kingman and Matthew Pierce, the company asserted claims against its insurer for breach of contract, declaratory relief, WAC violations, CPA violations and attorney fees. After four months of litigation in U.S. District Court for the Western District of Washington, the insurer accepted coverage and agreed to adjust the loss. A favorable settlement was later reached by the parties.

After initial denial, property insurer pays condo association in full

Sandpiper Condominiums is a 19-floor beachfront property located on Marco Island, Florida. The condominium suffered significant damage as a result of Hurricane Wilma. When the condominium association's insurer failed to pay for the damage under a commercial property policy, Dale Kingman and Matthew Pierce carefully reviewed the policy on the association's behalf and identified an avenue to coverage. After a week-long appraisal hearing with the insurance company, they recovered 100 percent of damages for the condominium association.

Alternative dispute resolution

Served as mediator in over 1,300 disputes, as arbitrator in over 25 disputes, and has participated as counsel for a party in additional arbitrations or mediations. The matters have involved insurance coverage, intellectual property, contract, property and commercial disputes, product liability, real property, and construction defect and contract claims.

Washington Produce Supplier Turns to GTTC

Dale Kingman and Greg Pendleton were recently tapped to represent a 105-year-old Washington company in connection with its effort to recover insurance dollars stemming from a recall of frozen vegetables. The litigation concerns contaminated products insurance and is pending in the United States District Court for the Western District of Washington.

Coverage Counsel for Bank in Condo Defect Case

In 2016, Prime Pacific Bank and PPB Sunset 100 Properties LLC were sued by their insurers in a declaratory judgment action. The insurers contended there was no coverage stemming from an underlying construction defect case involving waterfront condominiums in Everett, Washington. GTTC lawyers Dale Kingman and Greg Pendleton successfully defended the coverage action on behalf of their banking clients.

Professional and Civic Involvement

- Defense Research Institute
- Federation of Defense and Corporate Counsel

Publications and Presentations

- Numerous lectures on insurance coverage issues before legal, insurance and broker groups throughout the United States
- Numerous monographs and articles on insurance-related topics, including "First Party Property Policies & Pollution Coverage," 28 Gonzaga Law Review 449 (1993)
- Numerous articles for continuing legal education seminars, including:
 - "Insurance in the Construction Industry"
 - Builder's Risk Insurance, 2008
 - Commercial Property Insurance 101, 2009
 - Most Often Litigated Builder's Risk Issues, 2010
 - Builder's Risk Insurance - Vision Quest - Pursuing the "Ensuing Loss," 2011
 - Business Interruption Insurance 101, 2012
 - Selected Issues with Builder's Risk Insurance, 2017
- Commercial Property Insurance 101, Annual Construction Law Midyear Meeting & Seminar, June 2012
- Large and Complex Property Claims Resolution, Hospitality Law Conference - University of Houston School of Law, February 2010
- The Claims Process, Hospitality Law Conference - University of Houston School of Law, February 2009
- The Insurance Market Update Including Catastrophe Coverage Issues, Hospitality Law Conference - University of Houston School of Law, February 2008
- Insurance Coverage for Catastrophic Losses, 12th Annual Lodging Conference - Phoenix, Arizona, 2006
- Condo Hotel Unit Owner Insurance Coverages, Las Vegas Symposium, November 2006
- The Insurance Side of Condo Hotels, Hospitality Law Conference - University of Houston School of Law, February 2006
- The Insurance Process, Hospitality Law Conference - University of Houston School of Law, January 2004
- Coverage Update: Third Party Claims, Continuing Legal Education, Washington State Defense Trial Lawyers Seminar, Construction Defect Claims, September 2002
- Ideas for Making Mediation More Effective, WSBA Section on Construction, with Douglas S. Oles, May 2002
- Washington Condominium Act & Construction Defect Claims, A Primer, with John Gibson, 2001

- “Contractual Time Limits: Does An Insurer Have A Duty To Notify Policyholder Of Its Expiration?,” FDCC Property Insurance Newsletter, Winter 2000
- “Principles of Causation and Trigger of Coverage,” FDCC Property Insurance Newsletter, Fall 1999
- Business Interruption Claims: Expectations, Myths and Remedies, Seminar, Continuing Insurance Education, 1995
- Fundamentals of Excess Insurance, WSBA Continuing Legal Education, Spring 1993

Bar/Court Admissions

- Washington State Bar Association
- Colorado Bar Association
- American Bar Association
- Seattle-King County Bar Association
- Federal Bar Association, Western District of Washington
- United States District Court, Eastern District of Washington
- Ninth Circuit U.S. Court of Appeals
- Supreme Court of the United States

Personal

When I was a young teen, I loved to read biographies. One of these books was a compilation of trials of the famous American trial lawyer Louis Nizer. More than anything else, these stories generated my respect of and passion for law. After 40 years, I feel exactly the same way. If it were possible, I would eagerly practice 40 more years.

When working with clients, I always try to put myself in their shoes. Clients know what they want. It is not my job to tell them they can't do it. It is my job to find a way to do it – ethically, professionally, and economically.