



Michael Rosenberger

Partner

t: (206) 467-6477

d: (206) 805-6606

f: (206) 467-6292

mrosenberger@gordontilden.com

Legal Assistant: Carol Hudson

(206) 467-6477

chudson@gordontilden.com

Profile

Michael Rosenberger is a trial lawyer who represents clients in complex civil litigation – with a focus on commercial litigation, insurance recovery, and major personal injury and property damage claims. Like all of his colleagues at GTTC, Mike concentrates his practice on high-stakes lawsuits. His track record with judges, arbitrators, and juries places him among a select number of trial lawyers in the Seattle area. While he takes pride in his courtroom skills, he also believes in counseling clients to help them to avoid or promptly resolve claims, if possible. Mike joined GTTC in 2006 and was named a partner in 2008. Prior to joining the firm, Mike honed his trial skills at two other law firms and at the Seattle City Attorney's Office, where for ten years he was a senior assistant city attorney in the environmental and tort sections. After law school, Mike developed an early sense of the arguments that persuade judges and juries when he served as a law clerk to a federal trial court judge, the Hon. Rudi M. Brewster, Southern District of California.

Education

- J.D., Cornell Law School, magna cum laude, 1986
 - Editor, Cornell Law Review
 - Order of the Coif
- B.A. (Political Science and Environmental Studies), State University of New York at Binghamton, 1982
 - Phi Beta Kappa

Recognition

- Rated by Martindale-Hubbell® Peer review as AV® Preeminent™ 5.0 out of 5.0
- Recognized by Super Lawyers Magazine as Super Lawyer, Business Litigation, since 2012
- Listed in Best Lawyers in America®, Commercial Litigation

Representative Matters

Defeat of Summary Judgment Motion Prompts Favorable Settlement

Mike represented a GTTC client who brought a suit in King County Superior Court alleging that long-time business partners failed to perform a contract to sell membership units in a limited liability company that owns a self-storage facility. Defendants raised a host of defenses, including that the contract was barred by the statute of frauds, was too vague to enforce, was illegal and, even if enforceable, had not been performed by the client, thus excusing defendants' performance. GTTC persuaded the court to deny defendants' motion for summary judgment. After the court's rejection of defendants' key theories, Mike and the client leveraged the win into a favorable settlement under confidential terms.

\$130 Million Settlement in Trade Secret Case

Move, Inc. (which operates the website Realtor.com) and Zillow are major competitors in the online real estate market. When two senior executives left Move and went to work for Zillow, Move sued the two executives and Zillow for misappropriation of trade secrets, breach of fiduciary duty, and other claims. The lawsuit included allegations that the two executives had intentionally destroyed evidence. Defendants filed 23 summary judgment motions, many of which Mike argued and defeated. As co-counsel to Jenner & Block, Mike and other GTTC lawyers obtained a \$130 million settlement on behalf of Move and co-plaintiff the National Association of Realtors. The case settled on the morning of the first day of trial.

\$6.3 million contract claim defeated in arbitration

Mike represented a company founded by a high-net-worth individual to manage his investments. Years after three former private equity managers were dismissed, they sued and sought damages of \$6.3 million based upon alleged breaches of a carry plan and an incentive compensation plan. The case presented two main challenges: first, the contracts were complex and deemed ambiguous by a three-arbitrator panel; and, second, Mike had to convince the arbitrators to adopt the correct interpretation of the contracts despite his opponents' attempts to exploit the fact that his client was extraordinarily wealthy. After a three-day arbitration, the arbitrators unanimously found in favor of our client and awarded our client its attorneys' fees and costs.

Successful resolution of claims by minority member in real estate LLC

Mike represented an individual who assembled multiple lots and secured entitlements to develop land in Seattle into a large, multifamily project. The client formed a single purpose LLC to develop the project with an individual who provided financing and thus had majority control. After the project was sold for a substantial profit, the majority member refused to distribute to the client his share of the profits, alleging that the client owed money on a separate project and that the LLC agreement gave the majority member discretion as to timing of distributions. After hard-fought litigation involving extensive motion practice, the case settled with our client getting all the money he sought at the outset.

LDS Church defended in sex abuse cases

The Church of Jesus Christ of Latter-day Saints is the largest sponsor of Boy Scout troops in the United States. In recent years, a number of former scouts have commenced negligence suits against the church alleging sexual abuse in the 1960s,

1970s and 1980s on the part of scoutmasters and other adult men involved in scouting. Mike and his GTTC colleagues were retained to defend the church against a number of these lawsuits. They successfully tried one of them, successfully handled another on appeal, and settled the others.

Bad-faith litigation on behalf of public biopharmaceutical company

In 2009, the CFO of a publicly traded, Seattle-based biopharmaceutical company filed suit, alleging that he had been wrongfully terminated. After the company's liability insurer failed to provide sufficient authority to settle the CFO's action, the company asserted claims for bad faith against the insurer. Represented by Mike and Frank Cordell, the company entered into a confidential settlement shortly before trial.

Landslide a natural occurrence; City not liable

After an unusually heavy rainfall, six homes on Magnolia Bluff in Seattle were destroyed when land owned by the City of Seattle slid from an upper slope. The homeowners sued the City, seeking to hold it liable for failing to take preventive measures and alleging negligence, inverse condemnation and trespass. As a senior assistant city attorney at the time, Mike developed a science-centered defense for the City, proving that the landslide was the result of a naturally-occurring geologic process that had been in effect for centuries. The trial court granted summary judgment and dismissed the plaintiffs' claims, a ruling affirmed by the Court of Appeals in an opinion that has become one of the leading landslide cases in Washington.

Negligence case against apartment complex in hash oil explosion

A tenant manufacturing hash oil in his Bellevue apartment caused a massive explosion and fire that destroyed ten apartments and their contents and injured residents. Our client lived next door to the hash oil operation. Mike sued the apartment complex owner and its property manager for negligently failing to evict the tenant after learning about his drug operation. In a 2015 bench trial, the King County Superior Court awarded our client the full value of his destroyed property and general damages within the specific range asked for in closing argument.

Personal

My family and I feel blessed to live in Seattle. I enjoy skiing, music, coaching Little League baseball, travel, and enjoying good food with friends and family.