



Bryan J. Case

Partner

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Bryan is a seasoned litigator. He is zealous, yet pragmatic and understands that a “win” for a client comes in different forms and strives to secure that “win.” Bryan represents businesses, closely held entities, and individuals in a wide variety of cases including complex commercial matters, real estate disputes, insurance bad faith litigation, and creditors’ rights actions.

Bryan has a track record of success before judges and juries and tailors his case strategy to fit his clients’ goals and the nature of the dispute. His results include securing early dismissals on motions, a defense verdict after a jury trial and negotiating favorable settlements after narrowing the issues through aggressive discovery tactics and motions practice.

Bryan’s clients include:

- Banks and receivers
- Landlords and tenants
- Insurers
- Utilities
- Music copyright holders
- Real estate brokerages
- Residential homebuilders
- Property owners
- Software firms
- Telecommunications companies

Bryan also has a particular fluency in handling bankruptcy and state court receivership matters pertaining to failed commercial and real estate development loans.

Representative Matters

Commercial Litigation

- Helped win a \$21.2 million award in a multi-day arbitration for three **beer distributors** against another distributor arising from Pabst’s termination of their rights to distribute Pabst-owned beer brands.



- Represented **commercial landlord** in six figure multi-party construction lien foreclosure, breach of lease, eviction, and breach of personal guaranty action—substantially reduced amount of construction lien at early show cause hearing, evicted tenant and terminated lease, and forced lease guarantor to pay construction lien in full as well as landlord’s attorneys’ fees and costs.
- Represented **bond insurer** in securities fraud action against state college arising from college’s \$25 million bond default—case settled favorably with multiple pending summary judgment motions.

[More Matters](#)

Insurance Litigation

- Obtained complete defense verdict on behalf of **Fortune 100 insurance company** after two week jury trial involving claims of bad faith and violation of the Consumer Protect Act and Insurance Fair Conduct Act arising from UIM bodily injury claim.
- Defended **life insurance company** in action by insureds to reform a seven figure “second-to-die” life insurance policy into a traditional term life policy after one insured was diagnosed with cancer—settled matter shortly before trial for a very small percentage of death benefit sought.

[More Matters](#)

Real Estate Litigation

- Obtained successful settlement for **national bank** in lien priority/stripping and professional negligence bankruptcy adversary proceeding against another national bank and escrow/closing company.
- Validated **Puget Sound Energy’s** utility easement rights in an action brought by adjacent property owners to invalidate those easement rights in a formerly used railroad corridor that had been “railbanked” under Rails-to-Trails Act.

[More Matters](#)

Creditor's Rights

- Represented **international bank** in multiple receiverships, bankruptcies, state court actions, and lender liability claims related to troubled loans and REO properties following bank’s purchase of a failed northwest bank’s assets from FDIC.
- Represented **international software company** as creditor in Chapter 11 and 7 bankruptcies and preference adversary proceedings.

[More Matters](#)

Before Fox Rothschild

Prior to joining Fox, Bryan was a principal at Riddell Williams.

While in law school, he worked in the Bankruptcy Clinic helping clients file Chapter 7 bankruptcy petitions. He also served as a bankruptcy research assistant for Professor Rafael Pardo.

Beyond Fox Rothschild

Bryan volunteers at Ryther as a Best Buddy mentoring children coming from traumatic pasts and broken homes.



Bryan is active in numerous community and professional organizations, including the Washington Policy Center, the Federalist Society, the American Bankruptcy Institute and the Washington Defense Trial Lawyers Association.

He is also a volunteer youth golf coach with The First Tee of Greater Seattle.

Honors & Awards

- Named a "Washington Rising Star" by *Super Lawyers* (2015-2020)
- American Bankruptcy Institute Medal of Excellence (2009)

Practice Areas

- Litigation
- Bankruptcy Litigation
- Class Actions
- Eminent Domain/Condemnation
- Financial Restructuring & Bankruptcy
- Insurance
- Real Estate
- Title Insurance
- Securities Industry
- Energy & Natural Resources
- Energy & Natural Resources Litigation

Bar Admissions

- Washington

Court Admissions

- U.S. District Court, Western District of Washington
- U.S. District Court, Eastern District of Washington

Education

- Seattle University School of Law (J.D., *summa cum laude*, 2009)
- Gonzaga University (B.B.A., *summa cum laude*, 2006)
 - Finance
 - Law & Public Policy

Memberships

- Washington State Bar Association
- King County Bar Association
- Federal Bar Association



Commercial Litigation

- Helped win a \$21.2 million award in a multi-day arbitration for three **beer distributors** against another distributor arising from Pabst's termination of their rights to distribute Pabst-owned beer brands.
- Represented **commercial landlord** in six figure multi-party construction lien foreclosure, breach of lease, eviction, and breach of personal guaranty action—substantially reduced amount of construction lien at early show cause hearing, evicted tenant and terminated lease, and forced lease guarantor to pay construction lien in full as well as landlord's attorneys' fees and costs.
- Represented **commercial real estate brokerage** in action against landlord to recover unpaid commission and damages for breach of contract, quantum meruit, tortious interference, misrepresentation, unjust enrichment, and violation of the Consumer Protection Act.
- Successfully prosecuted multiple copyright infringement actions on behalf of **national performing rights organization, songwriters, composers, and publishers** for unlicensed public performance of copyrighted music.
- Represented **national performing rights organization** before Washington state legislature involving proposed new law that would adversely affect client and hamper copyright enforcement—achieved compromise bill after live testimony and lobbying efforts.
- Obtained lucrative settlement on behalf of **investor** in lawsuit against real estate investment firm, principals, and accounting firm involving breach of loan guaranties, securities fraud, breach of fiduciary duty, violation of Consumer Protection Act, negligent misrepresentation, and unjust enrichment.
- Represented **bond insurer** in securities fraud action against state college arising from college's \$25 million bond default—case settled favorably with multiple pending summary judgment motions.
- Defended a **national title and escrow company** in federal class action alleging various causes of action arising from escrow settlement and recording fees charged to customers.
- Successfully defended **national hotel chain** in multi-million dollar property damage litigation—settled for fraction of demanded damages after early partial summary judgment victory shifting liability to another defendant.
- Successfully defended **national telecommunications company** in Fair Credit Reporting Act and Consumer Protection Act litigation—settled matter for nuisance value.
- Defended automobile warranty company in breach of warranty and Consumer Protection Act lawsuit—settled matter for nuisance value after winning early motion to compel arbitration.
- Prosecuted securities fraud claims on behalf of deceased's **estate** in FINRA arbitration against broker/dealer and investment firm—settled favorably during arbitration.
- Represented **Northwest food supplier** in action to enforce non-compete agreement and protect trade secrets.
- Defended **distressed debtor** in action to foreclose construction lien—settled matter on favorable payment terms after negotiating stay of litigation.

Insurance Litigation



- Obtained complete defense verdict on behalf of **Fortune 100 insurance company** after two week jury trial involving claims of bad faith and violation of the Consumer Protection Act and Insurance Fair Conduct Act arising from UIM bodily injury claim.
- Successfully settled bad faith, Consumer Protection Act, and Insurance Fair Conduct Act violations alleged against **Fortune 100 insurance company** arising from a water loss and mold claim for a fraction of seven figure damages demand after winning discovery motion compelling medical examinations of all six plaintiffs.
- Settled UIM bodily injury and PIP claims, insurance bad faith, Consumer Protection Act, and Insurance Fair Conduct action against **Fortune 100 insurance company** within policy limits and without any extra-contractual liability after aggressive discovery strategy and partial summary judgment victory dismissing certain claims and limiting plaintiff's recoverable damages.
- Settled for nuisance value insurance bad faith, Consumer Protection Act, and Insurance Fair Conduct action against **Fortune 100 insurance company** arising from alleged theft of personal property worth six figures after aggressive discovery revealed plaintiff's theft claim was largely fabricated.
- Successfully defended various insurance bad faith, Consumer Protection Act, and Insurance Fair Conduct Act claims by employing targeted and aggressive discovery and depositions revealing exaggerated claims and damages.
- Defended **life insurance company** in action by insureds to reform a seven figure "second-to-die" life insurance policy into a traditional term life policy after one insured was diagnosed with cancer—settled matter shortly before trial for a very small percentage of death benefit sought.
- Defended **Fortune 100 insurance company** in class actions alleging improper use of medical bill review computer system in adjusting bills submitted for payment under automobile policies.
- Defended **insurance company** in class action alleging improper use of computer system in adjusting and reducing medical bill reimbursements under personal injury protection coverage.

Real Estate Litigation

- Obtained successful settlement for **national bank** in lien priority/stripping and professional negligence bankruptcy adversary proceeding against another national bank and escrow/closing company.
- Outside general counsel to **residential homebuilder** advising on issues related to development contracts, purchase and sale agreements, easements, land and property rights acquisitions, financing, permitting, CC&Rs, homeowners' associations and boundary line disputes.
- Successfully validated **Puget Sound Energy's** utility easement rights in an action brought by adjacent property owners to invalidate those easement rights in a formerly used railroad corridor that had been "railbanked" under Rails-to-Trails Act.
- Obtained dismissal of all claims on behalf of **Puget Sound Energy** in a lawsuit brought by property owners adjacent to "railbanked" corridor alleging inverse condemnation, trespass, slander of title and conspiracy.
- Obtained successful settlement on behalf of **rural property owner** in litigation involving a boundary line dispute and claimed removal of lateral support.
- Successfully defended **national bank** in bankruptcy adversary proceeding brought by Chapter 7 trustee to establish lien priority between competing lenders.



- Represented **Puget Sound Energy** in multiple condemnation actions to obtain power line easement corridors, including assisting in one jury trial where the just compensation verdict was much less than property owners' final pre-trial settlement demand.
- Defended **Puget Sound Energy** in quiet title, prescriptive easement, ejectment action related to vacated street adjacent to electrical substation.
- Quieted title in favor of married couple against mentally ill individual attempting to fraudulently obtain ownership of property by forged deeds and instruments.
- Represent **commercial and residential landlords** in variety tenant and lease disputes, eviction proceedings, lien claims, and premise liability claims.
- Prosecute and defend **property owners** in title, easement, adverse possession, boundary line, trespass, nuisance, and timber trespass disputes.

Creditor's Rights

- Represented **international bank** in multiple receiverships, bankruptcies, state court actions, and lender liability claims related to troubled loans and REO properties following bank's purchase of a failed northwest bank's assets from FDIC.
- Successfully prosecuted breach of guaranty actions on behalf of **international bank** against loan guarantors following recovery of real property by either receivership or foreclosure.
- Represented **international bank** in various non-judicial foreclosure proceedings involving commercial properties and residential development projects.
- Represented **international software company** as creditor in Chapter 11 and 7 bankruptcies and preference adversary proceedings.
- Represented **general and custodial receivers** in receivership actions related to failed commercial properties, development projects, and business.
- Represented multi-million dollar judgment **creditor** in collection efforts against international vacation time share company attempting to avoid payment through active measures.