



# Anthony R. Scisciani III

Co-Managing Partner

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## Profile

Tony is a full-service civil attorney who focuses on the resolution of complex, civil matters throughout Washington and Oregon. Tony takes a hands-on, creative and appropriately aggressive approach to achieving his clients' goals.

### Construction

Tony regularly helps local, regional and national clients with a variety of issues arising out of the development, construction, remediation and/or renovation of residential, commercial, mixed-use and government projects. The scope of Tony's construction litigation practice includes:

- Construction defect
- Nonpayment and liens
- Delay
- Worksite injury
- Product defect
- Professional liability
- Environmental liability under the Model Toxics Cleanup Act (MTCA)

### Areas of practice

Business/Commercial Litigation  
Construction  
Premises Liability  
General Litigation  
Products Liability

### Admitted to Practice

- Supreme Court of the United States
- United States Court of Federal Claims
- United States Court of Appeals for the Ninth Circuit
- United States District Court (Western District of Washington)
- United States District Court (Eastern District of Washington)
- United States District Court (Oregon)
- Washington Supreme Court
- Oregon Supreme Court

### Academics

- Case Western Reserve University School of Law (J.D., 2001)
- University of Richmond (B.A., 1996)

In addition to assisting construction clients with litigation and claim resolution, Tony also helps clients manage risk through their day-to-day operations. This includes advice to clients before, during and at the end of projects. Tony tracks claim trends and changes in the law impacting his construction clients, including serving as Chair of the Construction Section of the WDTL and speaking at national seminars as well as local client personnel meetings.

#### General Liability

Tony also represents clients in complex cases (specializing in catastrophic and disputed liability cases), whether through settlement discussions, arbitration or litigation. Tony uses his experience having taken hundreds of depositions of fact and expert witnesses, in conjunction with the other tools of discovery, to advance his clients' positions and to move disputes toward resolution. The scope of Tony's general liability practice includes:

- Automobile, trucking and transportation
- Motorcycle, bicycle and pedestrian accidents
- Premises liability
- Fire loss
- Event host liability
- Trespass and timber trespass
- Foreclosure and related property preservation

When clients need emergency assistance following such events as a fire or an accident, Tony also assists with the immediate investigation by enlisting appropriate experts and overseeing the preservation of evidence.

#### REPRESENTATIVE WORK

- Obtained summary judgment in Whatcom County (WA) in favor of general contractor client in case against subcontractor, after client was sued by property owner as a result of the subcontractor's defective work. Subcontractor refused to defend or to help with the resolution of the property owner's claim. Our client settled the property owner's claim and filed suit against

the subcontractor. Trial court awarded client entire amount of settlement, plus interest and attorneys' fees (over \$800K) under theory of breach of contract and indemnity.

- Obtained defense verdict in Chelan County (WA) jury trial in case involving allegedly failed retaining wall at a house constructed on a steep slope near Lake Chelan. Client was a subcontractor excavator and the trial involved presentation of testimony from many different experts, including geotechnical engineers, structural engineers, architects and general contractors. Jury agreed that our client did not breach his contract and was not negligent.
- Obtained directed verdict following presentation of plaintiff's case at jury trial in Benton County (WA) in case involving fall by plaintiff through second-story, temporary fall protection barrier. Plaintiff alleged client framing subcontractor had failed to properly install the barrier.
- Obtained verdict in King County (WA) as lead counsel for client general contractor – for full recovery of over \$4.0 million (plus attorneys' fees, costs and interest) for construction services rendered during Phase I of a well-publicized West Seattle project. Assisted the client during construction, including recording the lien that served to preserve client's claim. Trial involved issues of breach of contract and lien foreclosure. Through post-trial motions related to the Consumer Protection Act and the Uniform Fraudulent Transfers Act, obtained ruling allowing for piercing of two (2) levels of corporate veils to allow for collection of judgment from defendants in their personal capacity.
- Obtained favorable settlements for client on two (2) Seattle-area, public infrastructure improvement projects. In each instance, the client sought payment of retention and other amounts due under its contract after completion of its work. Such a settlement required reconciliation of counter-claims for

delay and breach of contract.

- Extensive litigation to leverage successful settlement of claim construction of a large, multi-use project in Seattle. Claim involved non-payment of international general contractor client, as well as counter-claims by developer/owner for delay and construction defect. Total amount in controversy was over \$6.0M.
- Obtained jury verdict in King County (WA) in precise amount of last pre-trial settlement offer, in defense of severe construction injury case against general contractor client.
- Assisted regional builder/developer with improvement of contracts used with subcontractors and material suppliers, as well as enhancement of operations practices to avoid liens, litigation and other issues that could delay eventual property sales.
- Obtained jury verdict in Yakima County (WA) in an amount that was less than 15% of plaintiffs' claim for damages in "wrongful foreclosure" and trespass case.
- Obtained summary judgment dismissal of client in construction defect case based on statute of limitations for claims against dissolved limited liability companies. Dismissal affirmed on appeal to Washington Court of Appeals (Division 1).
- Obtained summary judgment dismissal of client (and all remaining claims against all other defendants) in construction defect case based on lack of evidence to support breach of contract claims.
- Obtained summary judgment dismissal of attorney client involved with foreclosure of property after default on his client's private loan. Dismissal affirmed on appeal and, eventually, the Supreme Court of the United States denied our opponents' Petition for Review (ending the case in our client's favor).

## Affiliations

- Washington State Bar Association
- Oregon State Bar Association
- American Bar Association
- King County Bar Association.
- Washington Defense Trial Lawyers Association

## Personal

Tony received his B.A. from the University of Richmond (Richmond, Virginia) and his J.D. (with Honors) from Case Western Reserve University School of Law (Cleveland, Ohio).

Tony is an original Seattle Sounders FC season ticket holder and Washington wine enthusiast.