



SEBRIS BUSTO JAMES

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Jeffrey A. James is the Managing Shareholder at SEBRIS BUSTO JAMES and the head of the firm's litigation group. He has represented employers in labor and employment matters since 1988. Jeff's practice focuses on helping employers comply with state, federal and local employment laws and defending employers when litigation arises. He also prosecutes matters on behalf of employers seeking to enforce employment agreements, restrictive covenants, or other obligations. Jeff is a trial and appellate attorney who has successfully represented clients in proceedings before state and federal courts at all levels, as well as before administrative agencies and in alternative dispute resolution proceedings. Jeff is a frequent speaker at legal and industry seminars on issues affecting the workplace.

EXAMPLES OF RECENT LITIGATION EXPERIENCE

Appeal

Washington v. Group Health Cooperative, Division One, No. 73847-0-1 (filed May 30, 2017; rev. denied, November 8, 2018). Affirmed defense verdict.

Allyis, Inc. v. Simplicity Consulting, Inc., et al, Division One, No. 74511-5-I (filed February 27, 2017; rev. denied, September 6, 2017). Affirmed summary dismissal with prejudice and award of sanctions by trial court. Attorney fees awarded on appeal by Court of Appeals and by Supreme Court.

Lodis v. Corbis Corporation, Division One, No. 72342-1-I (filed December 28, 2015). Affirmed defense verdict after third jury trial. "Trials matter. The results of trials matter."

Trial

Washington v. Group Health Cooperative, King County Superior Court Case No. 13-2-19841-0. Unanimous defense verdict for our client on all counts. Plaintiff was terminated during his probationary period for being argumentative and not following established policies. He claimed his termination was the result of disability discrimination and for requesting reasonable accommodation. Trial took 10 days.

PR Connections, dba Dynamo Recruiting, Inc. vs. RBL Partners, Pierce County Superior Court Case No. 12-2-10769-1. Unanimous defense verdict for our client after three-week jury trial, plus recovered over \$500,000 awarded on counterclaims for breach of contract, defamation, and tortious interference. Over \$1M in fees and costs awarded post-trial as prevailing party.

Lodis v. Corbis Corporation, King County Superior Court Case No. 08-2-20301-8 SEA. Three separate jury trials totaling 10 weeks in trial, discretionary review proceedings before the Washington State Supreme Court and full appeal before the Washington State Court of Appeals, Div. I. Unanimous defense verdicts for our clients on all of plaintiff's claims against the corporation and its CEO (age discrimination, retaliation, aiding and abetting), verdict on counterclaim against plaintiff for breach of his fiduciary duties, with an award of over \$42,000 in damages; verdicts and positive evidentiary rulings upheld on appeal.

Andrews v. Harrison Medical Center, Kitsap County Superior Court Case No. 07-2-01630-1. Two-week jury trial involving claim for marital status discrimination following remand from the Washington State Court of Appeals, Div. II, overturning grant of summary judgment. Jury returned a unanimous defense verdict for our client after deliberating for a little over an hour.

Summary Judgment/Directed Verdict/Dismissal

Ben Seims v. Confluence Health, et al., Chelan County Superior Court Case No. 19-2-00077-04. Obtained dismissal with prejudice of all claims (Disability Discrimination, Unlawful Discharge).

Stewart Kerr, M.D., v. Wenatchee Valley Medical Group, et al., United States District Court for the Eastern District of Washington Case No. 2:20-cv-00092-RMP. Obtained Dismissal with Prejudice of all claims (False Claims Act Retaliation, federal and state, Wrongful Withholding of Wages, Constructive Termination in Violation of Public Policy, Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing).

Kathy Allstot v. Confluence Health, et al., U.S. District Court for the Eastern District of Washington Case No. 2:16-CV00373-SMJ. Obtained dismissal with prejudice of all claims (violation of the FMLA, disability discrimination, and wrongful discharge in violation of public policy).

Wendy and Brad Willey v. Wenatchee Valley Medical Group, et al., Chelan County Superior Court Case No. 17-2-00321-7. Obtained dismissal with prejudice of all claims (wrongful discharge in violation of public policy and tortious interference). Under threat of sanctions motion, obtained release of right to appeal dismissal.

Fowler v. Mission Support Alliance, L.L.C., et al., Spokane Superior Court Case No. 18-2-01065-3. Obtained dismissal with prejudice of all claims against our client (constructive discharge, defamation, retaliation, discrimination) on CR 12(b)(6) motion and entry of judgment pursuant to CR 54(b).

Allyis, Inc. v. Simplicity Consulting, Inc., et al., King County Superior Court Case No. 14-2-25900-0 SEA. Obtained dismissal with prejudice of all claims (breach of contract, tortious interference, violation of the uniform trade secrets act, violation of the consumer

protection act, injurious falsehood, and unjust enrichment), plus full award of fees and costs against plaintiff corporation and its counsel for asserting frivolous claims.

Blade v. Slalom, LLC, Multnomah County (Oregon) Case No. 120708627. Summary judgment granted on plaintiff's retaliation claim.

Andrews v. Harrison Medical Center, Kitsap County Superior Court Case No. 07-2-01630-1. Summary judgment granted on plaintiffs' claim for marital status discrimination.

Lahrichi v. GigOptix, et al., King County Superior Court Case No. 09-2-17151-3 SEA. Obtained directed verdict dismissing all of plaintiff's various discrimination, contract, and tort claims. Verdict upheld on appeal by Washington Court of Appeals, Division I, and defeated petition for review by Washington Supreme Court and United States Supreme Court.

Temporary Restraining Orders/Preliminary Injunctions

Getty Images, Inc. v. Motamedi, U.S. District Court for the Western District of Washington Case No. 2:16-cv-1892RAJ. Obtained TRO, order to show cause, order for expedited discovery, and letter of request to permit discovery in the United Kingdom. Subsequently obtained preliminary and permanent injunctions and order retaining jurisdiction to enforce injunctive relief.

Earthbound Corporation, et. al. v. MiTek USA, Inc., U.S. District Court for the Western District of Washington Case No. 16-1150 RSM. Obtained TRO and order for expedited discovery, and scheduling of hearing for preliminary injunction, which was granted by U.S. District Court for the Central District of California.

Arbitration

Two-week long arbitration in Chicago, Illinois, on claims for misappropriation of trade secrets, breach of contract, and unjust enrichment. Plaintiff sought \$1.5M in damages, plus attorney fees. Arbitrator awarded plaintiff zero damages and zero attorney fees or costs.

One-day arbitration in New York, New York, on breach of contract claim. After cross-examination of plaintiff, Arbitrator signaled intent to grant defense motion for directed verdict, leading plaintiff to drop claim and walk away.

Settlement/Resolution

Represented global corporation in high-stakes litigation brought by former senior executive seeking high seven-figures. Helped negotiate favorable pre-trial settlement.

Represented King County in multi-plaintiff, high-profile litigation involving law enforcement officers accused of creating hostile work environment and engaging in retaliatory conduct. Helped negotiate favorable pre-trial settlement.

Represented State of Washington in high profile litigation involving allegations against State Senate. Helped negotiate favorable pre-trial settlement.

Represented CEO and President of multi-billion-dollar corporation accused of age discrimination and wrongful termination. Helped negotiate favorable pre-trial settlement.

PRACTICE FOCUS

- Litigation
- Discrimination
- Class Actions
- Restraining Orders and Injunctive Relief
- Business Torts
- Wage and Hour
- Reasonable Accommodation
- Hiring/Firing
- Labor Relations
- Employment Contracts
- Retaliation
- Restrictive covenants
- Reductions in Force (RIF) and WARN Compliance
- Unemployment Compensation
- Personnel Policies
- Safety and Health
- Training

PROFESSIONAL & COMMUNITY ACTIVITIES

Jeff has been actively involved in federal, state, and local bar associations for over three decades. He is admitted to practice before the U.S. District Courts for the Western and Eastern Districts of Washington, the Ninth Circuit Court of Appeals, and the United States Supreme Court, as well as in Washington and Oregon. He is the past Secretary of the Executive Board of the Washington State Bar Association – Labor & Employment Law Section, and past Chair of the Washington Defense Trial Lawyers – Employment Law Committee. He is also a member of the Washington Bar Association, Intellectual Property Section; the King County Bar Association, Labor and Employment Section; and the American Bar Association, Labor and Employment Section, Employee Rights and Responsibilities Committee, where he serves as Management Co-Chair of the Trial and Appellate Advocacy Subcommittee. He is a past member of the King County Bar Association Board of Trustees and past member of the Seattle

Children’s Pediatric Bioethics Advisory Council. He currently serves as a member of a judicial subcommittee evaluating the Employment Chapter of the Washington Practice Jury Instructions.

Jeff has been repeatedly named as a “Super Lawyer” by Washington Law & Politics and is listed in The Best Lawyers in America, the Best Lawyers in Seattle, and The International Who’s Who of Management Labour & Employment Lawyers. He was named a “Lawyer of the Year” for Management-Side Employment Litigation in 2016 by Best Lawyers publication and has been repeatedly ranked amongst Seattle’s best lawyers by Chambers and Best Lawyers in America. He has received the highest possible peer review rating for competency and ethics (AV) by Martindale-Hubbell. For over 55 years he has cultivated a passion for soccer as a player, coach, and supporter of the Seattle Sounders. When he is not in trial or spending time outdoors with his family you can find him playing guitar or tinkering with cars.

EDUCATIONAL BACKGROUND

Jeff earned his J.D., *magna cum laude*, from the University of Puget Sound (now Seattle University School of Law) in 1988, where he was Lead Articles Editor of the Law Review. In 1988 he served as an extern for The Honorable Eugene A. Wright, Ninth Circuit Court of Appeals. Jeff received his B.A., *cum laude*, from Western Washington University in 1984.