



RANDALL T. THOMSEN

Partner
Seattle

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BIOGRAPHY

Randall Thomsen has a well-deserved reputation as a creative litigator, handling cases in state and federal courts. He has deep experience in complex civil litigation, class action and multiparty litigation, and employment law.

Randall has successfully litigated cases on a wide variety of topics, including business and shareholder disputes, lawsuits against governmental entities, class actions, breach of contract cases, real property disputes, personal injury claims, wrongful death and mass casualty cases, antitrust actions and employment disputes. Randall represents both plaintiffs and defendants.

Benchmark Litigation has identified him as a top Washington lawyer and a Local Litigation Star and he is consistently recognized by Best Lawyers in America.

Randall previously served on the Washington State Bar Association's Judicial Review Committee and was a member of the Lewis Powell Chapter of the Inns of the Court.

He was a member of his college's national debate team and, during law school, received a prestigious scholarship granted to those with outstanding academic achievement and a commitment to public service.

ADMISSIONS

- Washington, 1995
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Western District of Washington
- Supreme Court of the United States

EDUCATION

- Gonzaga University, J.D., magna cum laude, 1995
- University of Washington, M.A., 1992
- Gonzaga University, B.A., cum laude, 1990

RELATED PRACTICE AREAS

- Business & Commercial Disputes
- Intellectual Property and Technology
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Class Actions & Mass Torts

EXPERIENCE

- Lead counsel for King County in a six-week jury trial from May to July 2023 in which the County successfully brought product liability claims against distributors and manufacturers of a piping material that failed at the King County Correctional Facility. In four years of litigation, we defended against seven summary judgment motions and motions to dismiss. We

ultimately obtained settlements of \$5.86 million from various defendants and then obtained a jury verdict of \$18.08 million against the four remaining defendants, along with an award of \$5.8 million in attorneys fees and \$2 million in sanction awards. The total amount of the recover exceeded \$31.77 million. The case now is on appeal in the Washington State Court of Appeals.

- Prevailed at trial and on appeal while representing King County in a case involving \$250 million in claims brought on behalf of over 34 regional water and sewer districts and cities. The water and sewer districts alleged that the County had used wastewater fees for purposes beyond the wastewater function, including for the construction and mitigation related to the County's Brightwater Treatment Plant. After a six-week trial in Pierce County Superior Court, the Court ruled in favor of King County. The Washington Supreme Court affirmed the trial court's decision in a unanimous opinion. See *Cedar River Water & Sewer District v. King County*, 178 Wn.2d 763, 315 P.3d 859 (2013).
- Defended King and Snohomish Counties, both at trial court and on appeal, against a putative class action brought on behalf of criminal defendants that had their simple drug possession charges deemed unconstitutional based on the Washington Supreme Court's decision in *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021). Plaintiffs sought reimbursement of over an alleged \$100 hundred million in legal financial obligations paid to the Counties and the State of Washington. The class purported to include over 100,000 potential class members and involved claims dating back to 1973. The Counties prevailed by way of a motion to dismiss at the superior court and the Court of Appeals affirmed the dismissal on appeal. See *Civil Survival Project v. State of Washington, King County, & Snohomish County*, 24 Wn. App. 2d 564, 520 P.3d 1066 (2022).
- Represented the Seattle School District in a successful defense of a class action brought on behalf of over 400 employees. The class claimed that the District failed to pay contracted-for disability benefits that included other forms of deferred compensation, including retirement benefits, healthcare premiums, and "time responsibility incentive" pay. The alleged damages exceeded \$40 million. After an adverse ruling by the trial court that certified the class, the District successfully appealed an interlocutory decision and used the favorable appellate decision on remand to have the claims of the class and the class representative dismissed. See *Timothy Lundquist v. Seattle School District No. 1*, 2021 WL 777836 (Wash. Ct. App. Mar. 1, 2021).
- Represented Snohomish County in six consolidated lawsuits arising from the March 2014 Oso Landslide in which 43 people were killed. The lawsuits involved over 40 plaintiffs who asserted claims against the County for wrongful death, personal injury and property damage. In the first consolidated lawsuit, the trial court dismissed all claims by all plaintiffs against the County. The Washington Court of Appeals affirmed the dismissal and the Washington Supreme Court denied review. The second case was dismissed by plaintiffs as a result of the outcome in the

first case. See *Regelbrugge, et al. v. Snohomish County, et al.*, 7 Wn. App. 2d 29, 432 P.3d 859 (2018).

- Represented a large Washington automobile insurer in the defense of a class action brought by a prominent plaintiff's firm relating to the valuation of automobiles involved in total losses. The case was one of a dozen class actions that plaintiff's firm had successfully pursued throughout the United States. The case involved over 21,000 claims and alleged damages greater than \$48 million. The case successfully was resolved by way of settlement for a fraction of the potential damages and the insurer obtained favorable terms that allowed it to both challenge any class member claim and receive credit from the common fund for any unfiled or disputed claims.
- Successfully represented the State of Washington in a class action lawsuit involving over 100,000 class members and \$7 billion in claims. Class members alleged that the Legislature's repeal of a cost-of-living adjustment for State employees under the State's pension system was an unconstitutional impairment of contracts. See *Washington Educ. Ass'n v. Dept. of Ret. Sys.*, 181 Wn.2d 212, 332 P.3d 428 (2014).
- Defended the Port of Seattle in two lawsuits brought by a prominent national law firm on behalf of 141 property owners that claimed that the Port had improperly converted plaintiffs' property by purchasing the East Side Rail Corridor and transferring the corridor to King County. The plaintiffs sued to prevent the Port and other local government entities from using the corridor for utilities and passenger rail. They claimed that the Rails to Trails Act extinguished the railroad easements in the corridor. The district court granted a series of summary judgments in favor of the Port that resulted in a dismissal of the cases. On appeal, the Ninth Circuit Court of Appeals held in an unanimous opinion that the Rails to Trails Act preserved the prior railroad easements and that the corridor could be used for utilities and passenger rail, in addition to its use as a trail. The Supreme Court of the United States also denied plaintiffs' request for review. See *Kaseburg, et al. v. Port of Seattle*, 744 Fed. Appx. 356 (9th Cir. 2018).
- Represented the City of Mercer Island in its widely publicized fight to mitigate the impacts of the closure of the center express lanes of I-90, as part of Sound Transit's expansion of light rail to Seattle's Eastside. The case involved intense litigation in multiple forums. Just ahead of a hearing on the City's request for an injunction, the City Council accepted a settlement offer of \$10.1 million in mitigation payments from Sound Transit.
- Prevailed at trial and on appeal while representing King County in a case involving \$250 million in claims brought on behalf of over 34 regional water and sewer districts and cities. The water and sewer districts alleged that the County had used wastewater fees for purposes beyond the wastewater function, including for the construction and mitigation related to the County's Brightwater Treatment Plant. After a six-week trial in Pierce County Superior Court, the Court ruled in favor of King County. The Washington Supreme Court affirmed the trial

court's decision in a unanimous opinion. See *Cedar River Water & Sewer District v. King County*, 178 Wn.2d 763, 315 P.3d 859 (2013).

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