

Jacquelyn A. Beatty, ESQ., CPCU, ARM, CLMP*

*Certified Litigation Management Professional



Shareholder
jbeatty@karrtuttle.com
701 Fifth Avenue, Suite 3300
Seattle, Washington 98104

206-224-8090 Direct
206-223-1313 Main
206-682-7100 Fax

ATTORNEY PROFILE

Jacquelyn A. Beatty, Esq., CPCU, ARM, CLMP, is a shareholder in Karr Tuttle Campbell's Litigation Department, and chairs the Insurance Practice and the Appellate Practice groups.

Ms. Beatty has over 25 years of experience representing insurers, and occasionally policyholders, in complex coverage and bad faith matters. She was lead trial and appellate counsel in several Washington insurance cases of first impression that resulted in significant victories for her insurer clients. Ms. Beatty is the only female insurance attorney recognized among "Washington's Top 100 Super Lawyers" in 2012, 2014, 2015, 2016, and 2017. In addition she was ranked among the "Top 50 Women Washington Super Lawyers" every year since 2010. She is AV Preeminent rated by Martindale Hubbell.

Before joining Karr Tuttle Campbell in 1988, Ms. Beatty served as a clerk to The Honorable James S. Holden, Federal District Court for the District of Vermont, and in the University Division of the Attorney General's Office, State of Washington.

Ms. Beatty graduated from University of Washington School of Law with multiple honors. She also has degrees from Brown University and Columbia University School of Nursing.

EDUCATION

A.B., English and Sc.B., Biological Sciences, Brown University, 1977
B.S., Nursing, Columbia University, 1981
J.D., University of Washington School of Law, Honors, 1987

ADMITTED TO PRACTICE

Washington State Bar
U.S. District Court, Western District of Washington
U.S. District Court, Eastern District of Washington
U.S. Court of Appeals, Ninth Circuit
U.S. Supreme Court

PROFESSIONAL AND COMMUNITY SERVICE

Claims and Litigation Management Alliance
Washington State Co-Chair 2011-2013
Member: Bad Faith, Construction Defect and ESI Committees
American Bar Association
Trial, Torts and Insurance Practice Section
ADR Committee, Chair 2001-2002
Washington State Bar Association
Washington Defense Trial Lawyers Association
Northwest Insurance Claims Association
Defense Research Institute
Pacific Northwest Chapter CPCU Society
President, January 2010-May 2011
Evergreen Chapter, National Charity League
Chapter President, 2007-2008
District 13 Specialist, 2008-2009

PUBLICATIONS/PRESENTATIONS

Speaker: "What's it Like to be an Insurance Company in Washington?" NALS of Greater Seattle, April 9, 2015
Speaker: "Examining the Impact of Additional Insured Coverage in the Industry and Marketplace," 28th National Advanced Forum on Bad Faith Claims and Litigation, A.C.I., San Francisco, CA, July 30, 2014
Speaker: "Year in Review and Issues on the Horizon in the Bad Faith Context: Inside the Year's Top Cases and How They Will Dictate the Future, New Risks, Recent Trends and What to Expect for the Second Half of 2014," 27th National Advanced Forum on Bad Faith Litigation, A.C.I., Philadelphia, PA, March 31, 2014
Speaker: "Duty to Settle," Insurance Bad Faith Law in Washington, Seattle, WA, November 1, 2013
Co-Chair, 25th National Advanced Forum on Bad Faith Litigation, A.C.I., San Francisco, CA July 30-31, 2013
Speaker: "Pivotal Bad Faith Issues on the Horizon (Including from the U.S. Supreme Court) and Examining Key State Nuances and Developments in Hotbed Jurisdictions Such as California,"

Washington and Florida," American Conference Institute's 25th National Advanced Forum on Bad Faith Litigation, San Francisco, CA, July 30, 2013

Speaker: "Bad Faith Insurance Claims In Washington," N.B.I., Seattle, WA, December 6, 2012

Speaker: "Litigation Bad Faith and the Litigation Privilege," Insurance Bad Faith and Coverage Conference, CLM, Cambridge, MA, September 14, 2012

Speaker: "New Case Law Impacting Insurance Bad Faith," The Seminar Group, Seattle, WA, July 27, 2012

Author: "Measuring Damages When Harm is Presumed," Litigation Management Magazine, Fall 2011

Speaker and Program Chair: "Mock Jury- Using Mock Juries to Evaluate your Case for Trial." Council on Litigation Management, Seattle Event, September, 2011

Speaker: "Trying the Bad Faith Claim," 2011 Council on Litigation Management Bad-Faith Mini Conference, Boston, MA, September 2011

"How Even Good Brokers Can Get Sued and How to Avoid It," Presentation to Washington Assoc. of Health Underwriters, August 2011

Speaker: "Emerging Issues in Additional Insured Coverage," The Seminar Group, October 2010

Speaker: "Challenging an Insured's Confessed Judgment," WDTL Insurance Coverage Update Seminar, April 2006

Program Chair: "Inter-Insurer Disputes," ABA Annual Meeting, Chicago, 2005

Speaker: "Coverage for Attorney Fee Awards as Supplementary Payments," WDTL Insurance Law Seminar, April 2004

Speaker: "Bringing the Insurer to the Table in Complex Commercial Litigation," ABA Section of Dispute Resolution, Spring Meeting 2004

Speaker: "Insurance Coverage for Intellectual Property Disputes," ABA Section of Litigation, Spring Meeting 2004

Speaker: "Insurance Coverage for Power Interruption Losses the ADR Perspective," Mealey's Conference, June 2001

Speaker: "Hot Topics: Selected New Developments in Coverage Litigation," Midyear Meeting of Insurance Coverage Litigation Committee, Tort and Insurance Practice Section of ABA, 2000

"Recent Developments in Insurance Coverage Litigation," Contributing Author, *Tort & Insurance Practice Law Journal*, Vol. 34, No. 2 (1999); Vol. 35, No. 2 (2000); and Vol. 36, No. 2 (2001)

Speaker: "Kent Farms, Inc. v. Zurich Ins. Co.: Ramifications for Absolute Pollution Exclusion," Washington Defense Trial Lawyers Annual Insurance Seminar, 2000

Speaker: "Primary/Excess Carrier Relationships," Northwest Environmental Claims Association Seminar, November 1999

Speaker: "Insurance Coverage of Defective Industrial and Commercial Construction," ABA Tips

Conference, June 1998

"Insurance Coverage Issues in Sexual Misconduct Cases: Abuse, Harassment and Discrimination," Seminar: Insurance Litigation in Washington, 1994 and 1995

"Environmental Considerations in Contracting and Cleanup Cost Recovery: Insurer Perspective," presentation to Washington State Association of Municipal Attorneys, 1994

"Exclusions Exclude: Let the Pollution Exclusion Mean What It Says," 28 *Gonzaga Law Review* 401 (1992 \1993)

"Comment: Artificial Nutrition and the Terminally Ill: How Should Washington Decide," 61 *Washington Law Review* 419 (1986)

REPRESENTATIVE CASES

Polygon Northwest Co. v. American National Fire Ins. Co. et al., 143 Wn.App. 753, 189 P.3d 777 (2008). Obtained reversal of trial court determination that "litigation costs" portion of a settlement in favor of a homeowner's association were "supplementary payments," and thus were payable by defending insurer in addition to policy limits. Also obtained affirmation of trial court decision to award prejudgment interest to insurer that funded a settlement on behalf of insured against other insurers that failed to contribute or under-contributed. Allowance of prejudgment interest and court of appeals' conclusion that payment of the claimant's "litigation costs" were not supplementary payments enabled our client to recover several million dollars in this case, and save countless millions in other cases involving the same "portfolio" issues.

Dot Foods, Inc. v. Dept. of Revenue, 166 Wn.2d 912, 215 P.3d 185 (2009). Obtained reversal of trial court and court of appeal's decisions denying client's petition for refund of sales tax. The Supreme Court agreed with our argument that an exemption for sales tax liability applied to our out-of-state direct seller.

Certain Underwriters at Lloyd's London v. Valiant Ins. Co., 155 Wn.App. 469, 229 P.3d 930 (2010). Successfully defended insurer client against claims by another insurer by establishing that damage caused by continuous exposure to water intrusion due to multiple construction defects is a single occurrence and, therefore, "anti-stacking" provision in client's commercial general insurance policy's limited client's exposure to a single occurrence limit. Court of Appeals affirmed trial court decision in client's favor.

American Guarantee & Liability Ins. Co. v. Westchester Surplus Ins. Lines et. al., No. 08-35264, 334 Fed. Appx. 839; 2009 U.S. App. LEXIS 12586 (Ninth Cir. June 11, 2009). Prevailed on appeal of district court's failure to grant continuance of adversary's motion for summary judgment under Fed. Rule Civ. P. 56(f). The Ninth Circuit Court of Appeals ruled that U.S. District Court abused its discretion when it denied our motion, based

on Rule 56(f), that defendants' motions for summary judgment, brought five months before discovery closed and while active discovery was underway, should be continued.

A second appeal followed, after a bench trial in which the district court concluded that a general contractor was not an additional insured under the subcontractor's primary and excess policies issued by our adversaries. The Ninth Circuit again reversed, affirmatively concluding that the general contractor was an additional insured under our adversaries' policies, entitling our client, the general's excess insurer, to recover the full amount of its indemnity payment up to available limits (\$1.8 million), and prejudgment interest.

There was a third appeal to the Ninth Circuit, in which our client again prevailed. This time the appellate court agreed that one of our adversaries waived its "other insurance" defense by not raising it earlier.

King County v. City of Algona et al., King County Superior Court. Representation of plaintiff municipality against another municipality and its affiliates after defendants failed to honor contractual obligations with respect to the defense and indemnification of a serious personal injury claim. The case settled very favorably to our client.

King County v. Allendale Mutual et al. and related cases, King County Superior Court and U.S. District Court. Representation of municipality in multiple related liability and insurance coverage actions against contractors and insurers arising out of falling ceiling tiles at the Kingdome in King County, Washington. Ceiling tiles fell during exterior work on the structure, used as a stadium by multiple professional sports teams, causing a four-month disruption in the use of this major sports facility and other damages. We prevailed on multiple motions for summary judgment and settled remaining claims very favorably to the stadium owner.

American National Insurance Company v. B. & L. Trucking. Pierce County Superior Court. Represented insurer at trial where issues concerned the timing and nature of the insured's knowledge of property damage arising out of its operation of a landfill. We persuaded the jury that the insured knew and understood his business operations were adversely affecting the environment within one year of his opening his landfill. Based on this finding, only one of our insurer client's multiple policies was triggered for the loss.

Mad Anthony's Inc. v. Jay Pidto et al., Snohomish County Superior Court. Successfully represented lessee of real property at trial where lessor had breached material terms of commercial lease agreement by making unwarranted concessions to other tenants of a marina development. We recovered substantial damages for lost profits and our attorney's fees from lessor.

Eagle Hardware v. Valiant Insurance Company et al., United States District Court, Western District, Washington. Successfully defended insurer client against all claims for coverage and bad faith in hotly contested matter arising out of a dispute with another insurer, which mismanaged the underlying defense and sought to impose liability on our client.