



JACQUELYN A. BEATTY

Shareholder

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PRACTICE AREAS

Appellate	Litigation
Environmental Litigation	Professional Liability
Insurance – Bad Faith	

Jacquelyn Beatty focuses her practice on litigation with an emphasis in insurance and appellate matters. She has 30 years of experience representing insurers, and occasionally policyholders, in complex coverage and bad faith matters. Jacquelyn also represents clients in complex litigation and selective legal malpractice defense matters.

Jacquelyn was lead trial and appellate counsel in several Washington insurance cases of first impression that resulted in significant victories for her insurer clients. She is the only female insurance attorney recognized among “Washington’s Top 100 Super Lawyers” in 2012, 2014, 2015, 2016 and 2017. In addition, she has been 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, Jacquelyn 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.

REPRESENTATIVE MATTERS:

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 affirmance 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

REPRESENTATIVE MATTERS (Continued)

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.***, 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.

REPRESENTATIVE MATTERS (Continued)

- ***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.

PRESENTATIONS & PUBLICATIONS:

- 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)

PRESENTATIONS & PUBLICATIONS (Continued)

- 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)
- Speaker, "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)
- Contributing Author, "Recent Developments in Insurance Coverage Litigation," *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)
- Speaker, "Insurance Coverage Issues in Sexual Misconduct Cases: Abuse, Harassment and Discrimination," Seminar: Insurance Litigation in Washington, (1994 and 1995)
- Speaker, "Environmental Considerations in Contracting and Cleanup Cost Recovery: Insurer Perspective," presentation to Washington State Association of Municipal Attorneys, (1994)
- Author, "Exclusions Exclude: Let the Pollution Exclusion Mean What It Says," 28 *Gonzaga Law Review* 401 (1992\1993)
- Author, "Comment: Artificial Nutrition and the Terminally Ill: How Should Washington Decide," 61 *Washington Law Review* 419 (1986)

PROFESSIONAL & CIVIC ASSOCIATIONS:

- American Bar Association
- Washington State Bar Association
- Claims and Litigation Management Alliance
 - Member: Bad Faith, Construction Defect and ESI Committees
- Washington Defense Trial Lawyers Association

PROFESSIONAL & CIVIC ASSOCIATIONS (Continued)

- Northwest Insurance Claims Association
- Defense Research Institute
- Pacific Northwest Chapter CPCU Society
- Evergreen Chapter, National Charity League

BAR & COURT ADMISSIONS:

- 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

EDUCATION:

- J.D., *with honors*, University of Washington School of Law
- B.S., Nursing, Columbia University
- A.B. and Sc.B., Brown University
 - English and Biological Sciences