



#### C. SCOTT PENNER

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C. Scott Penner joined the firm in 1989. Mr. Penner is a past member of the Carney's Board of Directors and a past director of the Litigation Department.

Mr. Penner's practice emphasizes construction law, design professional defense, insurance coverage and subrogation and litigation. He advises both shipyards and public agencies on state and federal marine procurement projects. He is admitted to practice in the states of Washington, California and Alaska and the United States Court of Federal Claims.

#### Education

JD, UCLA School of Law, 1986  
AB, Stanford University, 1982

#### Professional Associations

King County Bar Association  
Northwest Insurance Coverage  
Association  
State Bar of California  
The Society of Naval Architects  
and Marine Engineers  
Washington State Bar  
Association  
Propeller Club

#### Bar and Court Admissions

State of Washington  
State of California  
State of Alaska  
U.S. Court of Appeals, Ninth  
Circuit  
U.S. District Court, Western  
District of Washington  
United States Court of Federal  
Claims  
U.S. District Court, Eastern  
District of Washington  
U.S. District Court, Northern  
District of California  
U.S. District, Central, District of  
California  
U.S. District, Eastern District of  
California  
U.S. District, Southern District  
of California  
U.S. District Court, District of  
Alaska

#### Honors and Recognitions

Mr. Penner was named by Washington *Super Lawyers* magazine as one of the top attorneys in the state for each of the years 2004-2016. He was listed in the *Super Lawyers Business Edition* 2013-2016 and is listed in *Best Lawyers* for Insurance Law and Construction Litigation.

Mr. Penner has been listed in *Seattle Metropolitan Magazine* and *Seattle Business Magazine* as one of King County's "Top Lawyers" 2010 – 2016. They cull their listings from *Martindale-Hubbell*, *Super Lawyers* and *Best Lawyers in America*.

#### Published Decision

*Amazon.com International, Inc. v. American Dynasty Surplus Lines Insurance Company*, 120 Wn. App. 610, 85 P.3d 974 (2004)

#### Representative Matters

*Halter Marine v. State of Alaska, Alaska Marine Highways Division, Dept. of Transportation and Public Facilities*

Halter Marine brought a \$52 million claim against Carney's client, State of Alaska, Alaska Marine Highways Division (AMHS), arising from the construction of a \$77 million ocean-class passenger vessel, the MV Kennicott, which was completed in 1998. This matter was resolved with the State paying only \$500,000 to one of the subcontractors and retaining its \$2.7 million in liquidated damages and performance allowance.

*Northwest Marine v. State of Alaska, Department of Transportation and Public Facilities, Alaska Marine Highway System*

A Portland shipyard made an \$8.6 million claim against Carney client Alaska Marine Highway System arising out of a contract to renovate a state ferry, the MV Tustumena. The State had counterclaims for warranty, liquidated damages, and defective workmanship in the amount of \$1.4 million. After a seven-week hearing, all but one of the shipyard's sixteen claims were denied in their entirety. The shipyard was awarded \$3,532 on one claim (which was the amount the State indicated was due). The State was successful in their counterclaims and was awarded \$1,234,585. Following appeal by the shipyard, the hearing officer's decision was affirmed.

*Todd Shipyards v. State of Washington*

Carney represented Todd Shipyards on a claim for additional compensation against the State of Washington arising out of the construction of the three Jumbo II class ferries, which at the time were the largest double-ended ferries in the world. The claim was settled for \$31.4 million in mediation.

*Vigor Shipyards*

Mr. Penner has represented Vigor Shipyards (formerly Todd Shipyards) in numerous vessel construction and renovation projects, including Washington State Ferries' 64-Auto Ferry and 144-Auto Ferry programs, and projects for the US Navy and private industry.

*Kodiak Kenai Fiber Link*

Mr. Penner represented Kodiak Kenai Cable Company in the construction of the Kodiak Kenai Fiber Link, a submarine fiber optic telecommunications system connecting Kodiak Island and the Kenai Peninsula.

**Other Representative Matters**

*Design Professional Claims*

Mr. Penner represents numerous design professionals against claims of professional errors or omissions on many types of projects, including schools, hospitals and commercial buildings.

*Insurance Coverage Litigation*

Mr. Penner represents insurers and policyholders in state and federal court actions regarding insurance coverage issues.