



## JASON KETTRICK

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### Energy Law

Jason Kettrick is chair of Carney Badley Spellman's construction and energy law practice groups, and a member of the business law section. Jason is general counsel to many local, regional, national and international companies, with a focus on firms involved in engineering, construction, development and financial industries. His experience across this blend of industries provides insight to clients and helps them stay abreast of the most relevant legal topics for their business. Jason also has extensive experience in business legal transactions ranging from formation of corporations, LLCs, LPs and joint ventures; negotiating MOUs, sales, service and licensing agreements; handling finance, asset and stock purchase and sales transactions; and hedge fund licensing and regulation. Jason is himself a business owner, landlord and developer, and a former extern to the Honorable Judge John A. Rossmeissl, United States Bankruptcy Court for the Eastern District of Washington.

### Engineering, Construction and Development Law

Jason's engineering, construction and development experience includes preparation, negotiation and litigation of engineering, procurement and construction contracts for numerous public agencies, private developers and contractors, contracts for vessel construction and conversion, and for development of energy facilities. Jason assists developers, engineers, contractors, public and private owners, suppliers and manufacturers with general business matters, transactions and the resolution of all types of disputes. He drafts, negotiates and closes FEED and EPC contracts, project development contracts, intellectual property licensing agreements, power purchase agreements, equipment and fuel supply contracts, project finance agreements, leases and O&M agreements, and provides ongoing advice as to the overall project planning and operation. Jason's experience also includes litigation in federal and state court and various federal boards of contract appeals, as well as arbitration.

### Business Law and Litigation

Jason provides business counseling and transactional representation to a broad spectrum of companies and their owners. He represents businesses in the drafting and negotiation of MOUs, joint ventures and other business combinations, and represents hedge funds and shareholder groups in regulatory and corporate matters and litigation. Jason's experience also includes representation of stakeholders in bankruptcy with plan confirmation, discharge litigation, preference and

#### Education

MBA, with honors, Gonzaga University

JD, magna cum laude, Gonzaga University School of Law

BS, University of Washington

#### Bar and Court Admissions

State of Washington

State of Alaska

State of Montana

State of Oregon

U.S. Supreme Court

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Federal Claims

U.S. District Court, Western and Eastern Districts of Washington

U.S. District Court, District of Alaska

U.S. District Court, District of Montana

#### Professional Associations

Washington State Bar Association

Construction Law Section, Washington State Bar Association

Creditor Debtor Rights Section, Washington State Bar Association

Bankruptcy Bar Association for the Eastern District of Washington, former board member and officer

Alaska Bar Association

fraudulent transfer litigation, matters involving estate and asset administration, and objections to claims. Jason has successfully prosecuted and defended claims involving securities, intellectual property, tax, trade secrets and real estate transactions, and closed transactions involving loans secured by intellectual property, power purchase agreements and commercial real estate.

### **Professional Honor and Recognitions**

Jason has been listed as one of Washington's Rising Stars for each of the years 2009-2014 and 2020 in the *Super Lawyers* publication.

### **Representative Projects**

Preparation of intellectual property sale, security and licensing agreement for offshore floating foundation technology

Preparation and negotiation of FEED contract for development of floating offshore wind turbine platform technology

Formation, certification, and Rule 506 securities offering for investment advisor, investment advisory firm and investment fund

Preparation of EPC contract for conversion of Issaquah Class Ferries to liquefied natural gas propulsion

*MKB Constructors vs. U.S. Department of Transportation, Maritime Administration* (claim against U.S. D.O.T. for design errors and differing site conditions at the Port of Anchorage)

*McGraw's Custom Construction vs. Ketchikan Gateway Borough* (representation of public owner in claims and counterclaims arising from middle school expansion project)

*MidMountain Constructors, Inc. vs. Skanska USA Civil West, Inc.* (representation of subcontractor in public works bond and retention claims arising from Alaskan Way Viaduct replacement project)

*MKB Constructors vs. Public Utility District No. 1 of Skagit County, Washington* (claim against public owner arising from pump station project on the Skagit River)

*Pharr Company vs. Lanphere Enterprises, Inc.* (representation of prime contractor in multimillion dollar mechanics lien foreclosure litigation arising from construction of new Harley Davidson retail facility in Renton)

Representation of low bidder in protest over King County project to expand wastewater treatment capacity at Fautleroy

*Eighty West, LLC vs. Timberland Bank* (bank defense of avoidance claims)

*In re Kates* (litigation counsel for debtor under confirmed Chapter 11 in a broad array of disputes concerning intellectual property and real estate assets)

*Kinsale Holdings, Inc. v. Sunhill Corp.* (commercial dispute for termination of tenancy in downtown San Francisco high rise)

*JSB Contractors vs. McClure & Sons, Inc.* (representation of prime contractor against subcontractor claim on project for construction of wastewater treatment plant)

*Kirkland Place Condo Association vs. Kirkland Place, LLC* (representation of developer in construction defect lawsuit)

*Kirkland Village Condo Association vs. Kirkland Village, LLC* (representation of developer in construction defect lawsuit)

Representation of owners of Series A Preferred Stock of publicly traded insurance company in matters involving corporate governance, triggering of liquidation preference and redemption pricing

Documented and closed multimillion dollar secured loan to equipment rental franchise

*P.O.S. Development Company, Inc. vs. Adams & Clark, Inc.* (recovery for design defect and delay claims on behalf of developer of 60-lot subdivision)

*First American Title Company vs. Souells, LLC* (representation of developer in dispute with title insurer over multimillion dollar construction holdback fund)

*Nu Flow North America, Inc. vs. Tri-Mechanical, Inc.* (representation of subcontractor in public works bond and retention claims for design errors, impacts and delays on mechanical system upgrade project at Cedar Crest High School)

*United States of America ex. rel. Technical Systems, Inc.* (recovery on Miller Act claims for changes, impacts and delays)

*City of Anacortes vs. Technical Systems, Inc.* (successful defense of claim for design errors and consequential and incidental damages)

*Cox, Ohman and Brandstetter, Chartered vs. Beckvold* (successful prosecution in adversary proceeding of nondischarge claim under 11 U.S.C. § 523(a)(4))

*BC Tax Review, Inc. vs. Lafarge North America* (successful defense in arbitration of claims involving commissions for tax consulting)

## **Publications**

"Challenging Performance Evaluations as Claims under the Contract Disputes Act," Carney Badley Spellman Enews, 2010

"What is the Anti-Subrogation Rule? Why was my claim dismissed?," Construction Law, published by the Construction Law Section of the Washington State Bar Association, Summer 2009

"When the Owner Bonds Around Your Mechanics' Lien, You Still Have to Litigate the Lien's Validity," Construction Law, published by the Construction Law Section of the Washington State Bar Association, Summer 2008

"Attorneys' Fees Recoverable in Performance Bond Coverage Litigation," Construction Law, published by the Construction Law Section of the Washington State Bar Association, Winter 2007-2008

"Counterclaims Not Permitted During Summary Proceedings Under RCW 60.04.081," Construction Law, published by the Construction Law Section of the Washington State Bar Association, Winter 2005-2006

"Construction Defect Claims, Homeowners Required to Provide Prelitigation Notice of Construction Defects Only if Contractor Notifies Homeowner of the Requirement to Do So," Construction Law, published by the Construction Law Section of the Washington State Bar Association, Fall 2006

"WISHA Repeat Violations," Construction Law, published by the Construction Law Section of the Washington State Bar Association, Summer 2007 Presentations

"Construction Liens—Creation, Perfection, Priority & Foreclosure," presented by the Debtor-Creditor Section of the Washington State Bar Association, Fall 2006

"Bankruptcy and the Lien Laws," presented by Lorman Education Services, Spring 2006 and 2007

"Recent Developments in Washington Construction Law," presented by Lorman Education Services, Fall 2004 and Spring 2005

"Cardinal Changes," presented by Lorman Education Services, Winter 2005