



## MARK ROSENCRANTZ

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### Education

Seattle University School of Law, J.D., 1996, cum laude

Note and Comment Editor, Seattle University Law Review

University of Oregon, B.A., History, 1992

### Bar and Court Admissions

#### Bar Admissions

- Washington
- Nevada
- Texas
- Idaho

#### Court Admissions

- Washington State Courts
- Idaho State Courts
- Nevada State Courts
- Texas State Courts
- U.S. District Court, Western District of Washington
- U.S. District Court, Nevada
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Idaho
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Federal Claims

Mark Rosencrantz chairs the firm's construction and commercial litigation practice groups. His practice focuses on solving business and commercial disputes for clients throughout the United States. He understands that litigation is a distraction to his clients that prevents them from living their lives and profitably running their businesses. With that in mind, Mark approaches each matter by first working with his clients to identify their issues and goals, and then mapping out an approach designed to accomplish those objectives, whether that be negotiating an early settlement, getting ready for a "bet the company" trial, or anything in between. He also counsels clients on contract negotiation and risk management issues to help them avoid potential lawsuits.

Mark has successfully handled cases involving a wide array of large-dollar business and commercial disputes, with particular emphasis on partnership and corporate disputes, fraud, embezzlement, trade secret misappropriation, violations of non-compete agreements, and unfair trade practices. He has obtained multiple multi-million dollar recoveries for his clients and helped others extricate themselves from potential judgments of the same size. Mark has done so before state and federal courts in Washington, Oregon, Nevada, Texas, Arizona, Idaho, Hawaii, Illinois, New Hampshire, and New York.

In construction matters, Mark represents all levels of contractors, as well as owners, in a wide variety of cases involving construction defects, delay and impact claims, bid protests, and copyright infringement of building plans. His cases involve projects ranging from commercial buildings to condominium projects to single family residences. He has obtained both large monetary awards and injunctive relief on behalf of his clients.

In addition to his active practice, Mark serves as an arbitrator in the King County Superior Court Mandatory Arbitration Program, and has written and lectured on a variety of legal and business issues.

### Honors & Recognitions

*Washington Law & Politics Magazine*, Rising Star 2004-2009

### **Memberships/Affiliations**

- *Washington State Bar Association*, Antitrust, Consumer Protection and Unfair Business Practices, Intellectual Property, and Litigation Sections
- *Nevada Bar Association*
- *Idaho Bar Association*
- *Texas Bar Association*
- *American Bar Association*, Antitrust and Litigation Sections

### **Community Involvement**

- Member of Board of Directors of Seattle International Film Festival, 2011-2019
- Member of Directors of Northwest Behavioral Associates, 2004-2013  
President of Board, 2010-2013

### **Representative Matters**

- As lead trial counsel obtained jury verdict on behalf of former vice-president for all damages requested against former employer and its director on behalf of corporate officer for wrongful withholding of wages following termination of employment contract without just cause.
- Defended corporation and its directors and officers in lawsuit brought by former president and chairman of the board alleging, among other things, wrongful termination, wrongful stock forfeiture, securities fraud, unconscionability, and employment discrimination. Negotiated very favorable settlement of lawsuit following an early deposition of the terminated president, and the Court's denial of the president's motion for partial summary judgment.
- As co-lead counsel obtained arbitration decision upholding general contractor's decision to withhold payments from subcontractor for defective work and building code violations on modular housing project at Ft. Lewis.
- As lead counsel obtained judgment of more than \$5 million against bonding company, funds control agent, and principal in case involving issuance of fraudulent surety bond on federal construction project.
- Negotiated settlement concerning embezzlement of more than \$3 million by manager of commercial fishing venture after defendant in state court action filed for Chapter 11 bankruptcy protection.
- As lead trial counsel, obtained judgment for all damages requested, prejudgment interest, and attorneys' fees for owner's failure to pay contractor for design and installation of custom home automation hardware and software package.
- Negotiated business divorce allowing co-founder of digital media company to open competing venture with use of all corporate software products.
- Negotiated global settlement of two lawsuits in which investor extricated herself from approximately \$15 million in personal guarantees and a multi-state fraudulent conspiracy without the payment of any sums.
- Assisted investor in three lawsuits and an arbitration to regain land seized by bank in wrongful foreclosure, and recover money damages.
- Obtained temporary restraining order, preliminary and permanent injunctions enjoining former employee of international petrochemical refinery testing firm from breaching non-competition agreement by working for competitor, interfering with client relationships and violating the Uniform Trade Secrets Act.
- Obtained default judgment in excess of \$1 million on eve of trial against general contractor for failure to pay subcontractor on four federal subcontracts.
- On summary judgment obtained personal liability against owner of general contractor under the responsible corporate officer doctrine for his false certifications regarding subcontractor payments.
- Obtained partial summary judgment for general contractor on project to build Washington State Patrol headquarters from claims of an alleged oral partnership and related issues. The case settled on very favorable terms shortly thereafter.
- As lead trial counsel obtained preliminary and permanent injunctions in trademark infringement action involving building supply companies.
- Represented bidder in successful bid protest of multi-million dollar Bonneville Power Administration security

- services contract arguing, among other things, that agency's procurement process wrongfully allowed low-bidder to submit artificially low prices.
- Represented bidder in successful bid protest of mine reclamation project, arguing that the U.S. Forest Service failed to properly conduct a best-value analysis.
- Obtained injunctive relief against the State of Washington proceeding with \$120 million contract signed in violation of bid specifications.