

Timothy B. Fitzgerald

tfitzgerald@mcnaul.com

direct: (206) 389-9338



About

Tim Fitzgerald is a business litigator and commercial litigator who practices in the Litigation and Trial group at McNaul Ebel. He has represented businesses and individuals in connection with a wide range of commercial disputes in state courts, in federal courts, and in arbitration, and has extensive experience representing both plaintiffs and defendants in Seattle and around the country.

Tim's diverse litigation, trial, and counseling experience includes disputes involving corporate governance, securities, insurance, commercial real estate, intellectual property, licensing, professional liability, and fiduciary duty issues. Tim has represented and advised numerous clients in trademark proceedings before the TTAB. He has litigated numerous complex corporate dissolutions, and represents cryptocurrency funds and professionals regarding a range of litigation and non-litigation matters.

Prior to joining McNaul Ebel, Tim was associated with the New York law firm of Boies, Schiller & Flexner LLP. He served as general counsel to Gordon Group Holdings, and he has served as a law clerk to the Honorable Ricardo S. Martinez of the US District Court for the Western District of Washington and the Honorable Paul E. Davison of the US District Court for the Southern District of New York. In law school, Tim served as Senior Articles Editor of the *Northwestern University Law Review*.

Representative Cases & Matters

- Lead counsel to a marine logistics company in a multi-million dollar dispute with a publicly-traded Singaporean company regarding its interference with international charter contracts; obtained a settlement on the eve of trial.
- Lead counsel to private equity firm in real estate dispute with the declarant for the Redmond Town Center regarding a supposed use restriction on the client's property; obtained declaratory judgment that the property is not subject to the supposed use restriction.

Practice Areas

Litigation & Trial Practice

Education

Northwestern University School of Law
(JD, 2005)

University of Illinois (BA, 2001)

Bar Admissions

Washington State, 2012

South Carolina, 2010 (inactive)

District of Columbia, 2007

New York, 2006

Court Admissions

US District Court for the Western
District of Washington, 2012

US District Court for the Southern
District of New York, 2006

- Lead counsel to international group of investors who claimed their multi-million dollar investments in a foreign cryptocurrency exchange were procured by fraud; through negotiation and strategic use of the company's corporate governance structure, Tim caused the company to repurchase his clients' stock, and to fully reimburse their attorneys' fees and costs.
- Lead counsel to founder of a prominent venture fund in partnership dispute with his co-founder; obtained settlement regarding most issues, followed by a favorable arbitration award regarding the others.
- Lead counsel in defense of legal malpractice claim asserted against a law firm in connection with its handling of a high-profile litigation matter; obtained early dismissal by motion of most claims, and, following his deposition, the plaintiff voluntarily dropped all remaining claims.
- Lead counsel to law firm in significant fee dispute with former client; obtained summary judgment for the full amount of outstanding fees, together with an award of attorneys' fees and costs.
- Lead counsel to a technology company in related lawsuits concerning its rights in commercial real estate located in Seattle's South Lake Union neighborhood; obtained a settlement on the eve of trial.
- Lead counsel to group of insurers in coverage action relating to a significant environmental exposure; obtained order of dismissal as to all clients and entry of contribution bar order against remaining insurers.
- Lead counsel to an investor in action against a technology company and its founder under the Washington State Securities Act (WSSA) and for breach of contract; obtained a judgment against both defendants for the full amount of damages, attorney's fees, and costs.
- Lead counsel to various parties in connection with investigations undertaken by the Securities Exchange Commission (SEC), including investigations involving initial coin offerings (ICOs) and related matters.
- Lead counsel to a video game company in a federal copyright matter that was resolved successfully.
- Represented an investor in FINRA arbitration against a New York-based clearing agent and brokerage firm arising out of a multimillion-dollar pump-and-dump scheme. Following a week-long hearing, Tim and a fellow McNaul attorney obtained an eight-figure arbitration award.

- Represented a Harvard Business School professor and best-selling author, along with related corporate entities, in a corporate dissolution dispute; obtained summary dismissal of all claims and represented clients successfully on appeal. A copy of the Court's decision is available [here](#).
- Defended an insurer in coverage and bad-faith dispute with a pharmaceutical company; obtained a summary dismissal of bad-faith claims, and in the subsequent jury trial, he and a fellow McNaul attorney obtained a verdict discounting the remaining amount of claimed damages by 95%; successfully defended client on appeal. A copy of the appellate opinion is available [here](#).
- Represented a musician and audio director in his dispute over founding ownership interest in a well-known video game company. Following a week- long arbitration, Tim and a fellow McNaul attorney obtained a ruling that his client was entitled to significant vested stock in the company and was entitled to continued payment under the company's profit participation plan. Media coverage of the case, along with a link to the arbitrator's ruling, is available [here](#).
- Defended a corporate executive against claims under state and federal RICO laws relating to the collapse of a real estate conglomerate. Tim and fellow McNaul attorneys obtained a summary dismissal of all claims.
- Represented a shopping mall developer in an action against a publicly traded real estate investment trust concerning the ownership of commercial real estate located on the Las Vegas Strip; obtained a settlement on the eve of trial.
- Conducted an internal investigation of a \$12 billion investment management firm regarding alleged violations of the Investment Advisers Act of 1940.