



Gregory J. Miner

Shareholder

Practice Groups: Litigation: Business, Commercial, Construction, Real Estate

Bateman | **Seidel**

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Greg Miner is one of six founding shareholders of Bateman Seidel and has 37 years of litigation experience, including 29 years in the federal and state courts in Oregon and Washington. Previously, he also practiced in the District of Columbia, Maryland, and Virginia.

His litigation practice has always involved jury and judge trials, as well as arbitration. His experience and focus is primarily on complex business, commercial, construction, and real estate disputes involving contracts, personal injury, property damage, and premises liability claims and defenses. He has represented plaintiffs and defendants in litigating these matters. He has acted as a sole arbitrator in commercial, real estate, construction, and personal injury cases pending in Multnomah County (Oregon) Circuit Court under the mandatory arbitration program for claims up to \$50,000.00.

In real estate, Greg has represented owners, developers, lenders, and brokers in the full range of real estate related claims, both commercial and residential, in trials and arbitrations. This litigation experience includes disputes over purchase and sale agreements, property interests and title, access to property, real estate valuation, property management and broker agreements, as well as partition, condemnation, and foreclosure claims. He has primarily defended property owners in serious personal injury and premises liability claims, and has prosecuted significant property damages claims on behalf of owners.

In business and complex commercial litigation, Greg has represented shareholders, members, and partners in a wide variety of business disputes, as well as in management, buyout, valuation, and dissolution matters. He has represented manufacturers, distributors, and dealers in contract, franchise, and business tort litigation defending and prosecuting these types of claims, and in trade secrets, non-compete and non-solicitation agreement disputes.

In construction, Greg has extensive experience in commercial, industrial, and residential construction contract and performance disputes. He has represented owners, general contractors, subcontractors, suppliers and design professionals in litigation and has both prosecuted and defended against claims involving construction and design issues. His experience includes federal and state public contract disputes and bid protests.

In natural resources litigation, Greg has represented the interests of the forest products and the public power industries, especially in federal court, involving claims under The National

Environmental Policy Act, The Endangered Species Act, and other environmental laws. This litigation took place in federal and state agencies and in federal and state courts addressing forest practices and timber contracts, as well as involving threatened or endangered wildlife and salmon species. He has defended against civil and criminal claims of timber theft and log scaling fraud, and defended wrongful death claims arising out of past timber harvesting practices.

COURT AND BAR ADMISSIONS

- Current: State and Federal Courts: Oregon and Washington
- AV Rated
- Former: District of Columbia, Maryland, and Virginia

PROFESSIONAL MEMBERSHIPS, BAR ASSOCIATION VOLUNTEER ACTIVITIES, AND AWARDS

- Multnomah County Bar Association, 1986 - present
- Oregon State Bar Association, 1986 - present
- Washington State Bar Association, 2004 - present
- U.S. District Court of Oregon Historical Society, Executive Committee 2007-2013; Chair, Oral History Committee 2008-2013
- Federal Bar Association, Oregon Chapter, Member of Board of Directors, 1996-2001, Secretary 1997-98, Vice-President 1998-99, President-Elect 1999-2000, President 2000-2001, Editor of Oregon Chapter newsletter 1997-99
- Federal Bar Association, Oregon Chapter, Vice-President for Ninth Circuit 2001-2005
- 2004 - Received Hon. James M. Burns Federal Practice Award, Oregon Chapter, Federal Bar Association
- 2012 - Received Oregon State Bar President's Special Award of Appreciation (as volunteer Oregon State Bar trial counsel in attorney ethics violation prosecutions) 1999-2012
- State of Oregon Judicial Disabilities Commission (volunteer trial counsel) 2005-2007
- American Bar Association, Member of Sections on Litigation, Torts and Insurance, and Construction Law

LAW FIRM EXPERIENCE

- Founder/Shareholder, Bateman Seidel, 2005-present (Portland, Oregon)
- Partner, Preston, Gates & Ellis, LLP, 1999-2005 (Portland, Oregon)

- Partner, Bogle & Gates P.L.L.C., 1989-99 (Portland, Oregon)
- Associate/Partner, Saltman & Stevens P.C. (Portland, Oregon 1986-89; Washington, D.C. 1984-86)
- Associate/Partner, Rhodes, Dunbar & Lomax, Chtd., 1979-84 (Washington, D.C.)

EDUCATION

J.D., The Catholic University of America, Columbus School of Law, 1978

B.A., Canisius College, 1971

GREGORY J. MINER
SELECTED RECENT LITIGATION
2010 - Present

Real Estate Litigation

- Reported case – *Coast Equities, LLC v. Right Buy Properties, LLC, et al.*, United States District Court Case No. 3:14-cv-01076-ST; 2015 WL 1477901 (2015) – obtained complete dismissal of all fraud claims against resident alien clients in Oregon federal court asserted by alleged purchaser of 200+ properties in Florida on grounds of lack of personal jurisdiction and improper venue in Oregon
- Reported case – *PNC Multifamily Capital Institutional Fund XXXIV Limited Partnership, et al. v. AOH-Regent Limited Partnership, et al.*, Multnomah County Circuit Court Case No. 1001-01157; Court of Appeals of Oregon, 262 Or. App. 503 (2014) – represented investor limited partner in Oregon trial and appellate courts involving three Florida multifamily housing projects prosecuting claims for required repurchase of investor partner’s interest due to general partner’s breaches of the operating agreement, including obtaining successful appellate court decision reversing the lack of personal jurisdiction ruling of the trial court
- Reported case – *Britton v. Brown*, Montana Twentieth Judicial District, Lake County Cause No. DV-07-299; Supreme Court of Montana, 368 Mont. 379 (2013) - acted as special litigation and real estate partition counsel for co-tenant property owner in Montana state court judicial partition case involving substantial pristine lakefront acreage; this representation included successful appeal of the partition referees’ and the trial court judge’s partition decision to the Montana Supreme Court, obtaining reversal on due process grounds and leading to full evidentiary trial and successful partition in kind judgment for client
- Represented retail tenant in lease payment disputes with former landlord, and in second case with current landlord over collecting tenant’s sales revenues from consignment, including obtaining recovery of all attorney fees for client (2014 – 2015)
- Obtained outright dismissal of landlord’s claim against tenant (a national life insurance company) for alleged untimely exercise of option to early terminate commercial lease (2014)
- Reported case – *Butler Block, LLC v. Agni Group, LLC*, Multnomah County Circuit Court Case No. 0706-06622; 240 Or. App. 548 (2011) - successfully reversed California real estate developer’s purchase of Portland commercial property for apartment development, which was wrongly based on undervalued appraisal as purchase price, by prevailing both at trial and on appeal including obtaining recovery of attorney fees for client

Bank and Commercial Litigation

- Obtained dismissal of all claims by plaintiff developer in Oregon state court against international bank for lender liability, tortious interference, and aiding and abetting

involving high-end golf and condominium resort in Central Oregon - *Pronghorn Properties, LLC v. Societe Generale S.A., et al./Pronghorn Development Company, LLC, et al. v. Scott Denney, et al.*, Deschutes County Circuit Court Case No. 10CV1191SF (2014)

- Successfully prosecuted over 3 ½ years in Washington state court the contract claims of large international financial institution on California real estate development for payment of debt and defended against developer's counterclaims for breach of contract and fiduciary duties – *Holland Partners Glo, LLC, et al. v. Capmark Finance, LLC*, Clark County Superior Court Case No. 12-2-00793-8 (2012-2015)
- Represented major national lenders/banks (Bank of America and Bank of New York Mellon) in successfully prosecuting numerous residential and commercial real estate foreclosures and in defending against counterclaims for lender liability and statutory violations in both federal and state courts in Oregon, Washington, and Nevada (2011-2012)
- Reported case – *Wells Fargo Bank, N.A. v. The Ash Organization, Inc.*, United States District Court Case No. CV09-188-MO; 2010 WL 2681675 - successfully prosecuted in Oregon federal court commercial property foreclosure for national loan servicer/lender and defended against lender liability and tort counterclaims by landowner involving one of the largest blocks of undeveloped land located along I-5 corridor in Portland Metropolitan area (2010-2011)
- Defended Portland automobile dealership against claims of breach of dealer/franchise agreement by major international auto manufacturer, and obtained restraining order against manufacturer in Oregon state court, leading to favorable settlement – *Auto Town Buick GMC, Inc. v. General Motors LLC*, United States District Court Case No. 3:12-cv-01977-HZ (2012-2013)

Construction Defect Litigation

- Successfully prosecuted numerous significant property damage and construction defect claims of owners of single-family homes in both Oregon and Washington state courts against contractors and design professionals to produce favorable settlements; successfully co-prosecuted claims of owners of multi-family housing projects in Oregon against contractors and design professionals for negligence and breach of contract in construction, including complex insurance coverage and statute of limitation issues, leading to successful mediated settlements and recovery of property damages (2010 – 2015)
- Successfully defended national investor/lender in Washington state court against general contractor claims for cost overruns from extensive construction defects on Native American housing project – *Matthew Lewis v. Tulalip Housing Limited Partnership No. 3*, Snohomish County Superior Court Case No. 11-2-06451-2 (2011-2012)

Personal Injury/Premises Liability

- Reported case – *Helland v. Hoffman Construction Company of Oregon*, United States District Court Case No. 3:11-cv-01157-HU; 2013 WL 5937001 – defended major Oregon airport authority and general contractor in Oregon federal court in obtaining dismissal of

Employer Liability Act and Safe Employment Act claims of construction worker for permanent personal injury on airport construction project, leading to minimal settlement (2013-2014)

- Obtained outright dismissal of plaintiff's slip and fall and permanent injury claim against major Oregon airport authority in Oregon state court (2013)
- Successfully defended Oregon airport authority in arbitration against public utility's claim of property damages at airport (2012)
- Successfully/prosecuted property damages claim (water damage) in Oregon state court (Marion County) on behalf of national industrial gas supplier against roofing contractor including recovery of all client's attorney fees
- Prosecuted claims of homeowner against general contractor and subcontractor in Washington state court for property damages caused by work-related landslide, leading to successful mediated settlement (2015)

Shareholder/Partnership Litigation

- Successfully defended managing 50% shareholder in multiple week court trial in Oregon state court and defeated other 50% shareholder's oppression and forced removal claims involving closely-held forest products company, leading to compromise buyout and avoidance of takeover or LLC dissolution – *Lynn Meier v. John Taylor, et al*, Linn County Circuit Court Case No. 083689 (2010)
- Successfully restrained/enjoined other partner in closely-held Washington partnership from disposing of sales proceeds of dozens of properties purchased at auction and resold, and obtained full accounting of proceeds, leading to favorable settlement – *Silverland Properties, LLC, et al. v. Nylund Homes, Inc., et al.*, Clark County Superior Court Case No. 09-2-02958-3
- Obtained summary judgment in Oregon state court for majority and managing member of closely-held LLC against minority member, in dispute over loans made and management of LLC, leading to successful buyout of minority shareholder and avoidance of LLC dissolution – *Beverly Sue Perkel v. 3333 Marshall, LLC*, Multnomah County Circuit Court Case No. 1202-02289 (2012-2013)
- Represented investor limited partners in numerous disputes with general partners in limited partnerships on affordable multi-family housing projects in Oregon and Washington (low income housing tax credit financed), including state and federal court litigation to remove general partner and/or developer on several projects for breach of contract/fiduciary duties (2010 – 2015)