

Robert W. Novasky

Shareholder

Rob oversees our Tacoma office. He focuses on the defense of civil rights claims, municipal liability, complex litigation, catastrophic damages, products and personal injury defense, commercial litigation, premises liability, bad faith, and underinsured motorist claims.

Rob has significant trial experience in state and federal court. He has tried cases in Pierce, King, Thurston, and Lewis Counties, as well as numerous other counties throughout the State of Washington. He has also tried cases in the United States District Courts of Washington. In addition, Rob has represented clients in all three divisions of the Washington Courts of Appeals, the State Supreme Court, and the Ninth Circuit Court of Appeals.

PRACTICE EMPHASIS AND EXPERIENCE

- Appeals
- Automobile Liability / Transportation
- Accident Investigation
- Commercial Litigation
- Construction Litigation
- Employment Litigation
- General Liability Defense
- Municipal Liability
- Native American & Tribal Law
- Premises Liability
- Product Liability
- Professional Liability
- Veterinarians

PROFESSIONAL & CIVIC INVOLVEMENT

- Recognized as a Super Lawyer in 2020 by *Super Lawyers* magazine



CONTACT

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EDUCATION

J.D., University of Puget Sound (now Seattle University) School of Law, 1992
• Metzger Award for legal writing
B.A., Whitworth University, 1981

BAR / COURT ADMISSIONS

State of Washington
State of Oregon
U. S. District Court, Western and Eastern Districts of Washington
U.S. District Court, District of Oregon
U.S. Court of Appeals, Ninth Circuit
Puyallup Tribal Court
Tulalip Tribal Court
Jamestown S'Klallam Tribal Court

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REPRESENTATIVE CASES

- **Defense Verdict in Product Liability Case Against Boot Manufacturer:**

In January 2018, a unanimous defense verdict in a product liability case against our client, a product manufacturer. While riding his “dirt” bike, the plaintiff collided with another rider and sustained a serious injury to his foot. Plaintiff argued that his boots, which the client had manufactured, should have prevented the injury. After a two-week trial, the jury found for our client, which also recovered its statutory fees and costs.

- **Employer Prevails in Union Grievance Arbitration:**

December 2017, Rob Novasky prevailed in a favorable arbitration for our client, a municipality, after a wrongful termination case. Plaintiff received a non- favorable job performance review and quit the firm. Plaintiff later tried to rescind her resignation but the employer declined to accept her rescission. Plaintiff filed a grievance through her union, alleging her employer “terminated” her by refusing to allow her to rescind her resignation. After a two-day arbitration, Rob Novasky secured a decision in favor of the employer, dismissing all claims.

- **Motorcycle Supply Store Wins Defense Verdict:**

In April 2017, our client, a motorcycle supply store, sold and installed motorcycle tires on plaintiff’s motorcycle. Plaintiff suffered a complex fracture that resulted in permanent disability as the motorcycle “fishtailed” out of the parking lot. Plaintiff claimed the new tires were “slick” and that our client failed to warn of this dangerous condition. At trial, Rob Novasky obtained a complete defense verdict for the motorcycle supply store. The court also awarded fees and costs to the defendant.

- **Heavy Equipment Owner Receives Favorable Verdict:**

In May- June 2017, after a 5-week trial, the jury found in favor of our client, a heavy equipment owner, after claims were filed by plaintiff for over \$1 million in medical bills and income loss due to injuries sustained when bolts fell from a steel plate.

The jury found substantial comparative negligence against the plaintiff and rendered a verdict that was significantly less than the plaintiff’s medical bills and income loss, much less than the defendant’s pre-trial settlement offer.

- **Veterinarian Wins Defense Judgment:**

In June-July 2017, after a week-long bench trial, Rob Novasky obtained judgment in favor of our client, a local veterinarian, on all causes of action, including a ruling that the veterinarian breached the standard of care for his patient.

- **Defense Verdicts for Municipalities:**

Represented County in a case where a young girl severed her finger on a “teeter totter” in County’s park. After a 5-day trial the jury entered a verdict for the County under recreational immunity statute and plaintiff’s failure to prove liability against Parks Dept. Represented County in a case where a landowner’s apple packing shed collapsed and the landowner claimed the collapse was caused by county snowplows pushing snow against it. After a one-week trial the jury entered a unanimous verdict in favor of the County.

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- **Dismissal of County for Alleged Civil Rights Violations:**
Obtained summary judgment dismissal of a County in federal court, where plaintiff alleged the County violated his civil rights by executing a search warrant under false claims and then wrongfully seized his property. Plaintiff appealed summary judgment ruling to Ninth Circuit Court of Appeals, where the Court upheld summary judgment dismissal, finding the County did not violate the plaintiff's civil rights.
- **Defense of Product Manufacturer:**
Received summary judgment dismissals of over twenty cases against manufacturer of products allegedly containing asbestos because plaintiffs failed to establish the manufacturer's breach of a duty, and/or failed to prove the manufacturer's products caused plaintiffs' alleged damages.
- **Defense Verdict – Contract Dispute:**
Representation of a yacht club where plaintiff alleged breach of contract and breach of fiduciary duties by the club's Board of Directors. After 5-day trial, a verdict was entered in favor of the yacht club and the Board of Directors.
- **Defense Verdict – Investor Fraud:**
Representation of Investment Group offering non-standard investments to private investors. Plaintiff alleged that defendant misrepresented returns on investment and risk. After seven-day trial, a unanimous verdict in favor of defendant was entered.
- **Defense of City – Wrongful Death:**
Co-lead counsel for the City of Tacoma in a wrongful death action where the chief of police confronted and murdered his estranged wife, then killed himself. Worked with the family of the deceased to achieve settlement that included raising awareness of domestic violence, construction and facilitation of the Crystal Judson Family Justice Center for victims of domestic violence, and education/awareness of officer-involved domestic violence issues.
- **Dismissal of County – Wrongful Death:**
County was dismissed on summary judgment in an action where plaintiff's husband called 911 and then hung up before providing any information. Plaintiff came home from work and found husband had died of massive heart attack. Summary judgment dismissal was upheld by the Court of Appeals and by the State Supreme Court. *See, Cummins v. Lewis County*, 156 Wn.2d 844, 133 P.3d 459 (2006).

PROFESSIONAL & CIVIC INVOLVEMENT

- Washington State Bar Association
- Tacoma-Pierce County Bar Association
- Oregon State Bar Association
- Washington Defense Trial Lawyers
- Claims & Litigation Management Alliance
 - Communications Committee, Washington Chapter
- International Association of Defense Counsel
- Robert J. Bryan Chapter XXXV American Inns of Court
 - Executive Committee (2000-2005)
- Tacoma Rotary #8
- Cascade Regional Blood Services

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- Chairman, Board of Directors

ARTICLES & PRESENTATIONS

- Author: Motor Vehicle Accident Desk Book, Washington State Bar Association, 1994-present
- Presenter: "Pain & Suffering Damages in Personal Injury", CLE, 2019
- Speaker: "Top 9 Risk Management Issues & How to Avoid Legal Malpractice," Attorney Mentor Program, Pierce County Bar Association, March 2016
- Presenter: Legal Malpractice Seminar, Forsberg & Umlauf in-house CLE, 2015
- Speaker: "The Adjuster's Role in Claims Handling for Municipalities," Washington Counties Risk Management Pool Annual Convention, 2010
- Speaker: "High Profile Cases," Washington State Bar Association CLE, 2009
- Presenter: "Police Liability" Seminar, Association of Washington Cities, 2009
- Presenter: "Public Works" and "Police Liability" Seminars (series of seminars presented for member cities across the State), Association of Washington Cities, 2008
- Presenter: "Police Liability" Seminar Series, Washington Counties Risk Management Pool, 2005
- Past author/contributor: "Annual Insurance Law Update," Washington Defense Trial Lawyers