



R. Daniel Lindahl

Shareholder
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Over his career, Dan Lindahl has handled approximately 200 state and federal appeals, making him one of the most experienced appellate lawyers in the Pacific Northwest. He leads Bullivant's appellate practice, which includes lawyers across many practice areas. Dan's professional recognition includes election as a Fellow in the American Academy of Appellate Lawyers.

Dan's practice focuses on handling cases in the Oregon and Washington state appellate courts and the United States Court of Appeals for the Ninth Circuit. In addition to his focus on appellate practice, he provides trial support in cases involving complex legal issues, including summary judgment motions, motions in limine, jury instructions, and post-trial motions.

Dan is also the author of a column in *The Verdict*, the Oregon Association of Defense Counsel's quarterly publication, where he provides practical tips for those who seek clarity and effectiveness in their written work.

Representative Cases

- *Miller v. American Family Mut. Ins. Co.* , 262 Or App 730 (2014) (involving whether issue preclusion applied to an offer of judgment)
- *In Re Dolph* , 374 Fed. Appx. 711 (9th Cir. 2010) (involving claim to impose constructive trust on estate assets)
- *Kile v. York* , 234 Or App 358, 228 P.3d 599 (2010) (involving what constitutes a timely tender that defeats an attorney-fee claim under ORS 20.080)
- *Blake v. Cell Tech International* , 228 Or. App. 288, 208 P.3d 992 (2009) (involving the admissibility of a proposed expert's testimony concerning the decedent's cause of death)
- *Takata v. State Farm Mut. Auto. Ins. Co.* , 217 Or. App. 454, 176 P.3d 415 (2008) (holding that the plaintiff was not entitled to recover personal injury protection benefits)
- *Weber v. State Farm Mut. Auto. Ins. Co.* , 216 Or. App. 253, 172 P.3d 660 (2007) (holding that there was no liability coverage for an auto accident because the driver at the time of the accident was not a permissive user of the vehicle)
- *Wal-Mart Stores, Inc. v. Gulf Ins. Co.* , 250 Fed. Appx. 221 (9th Cir. 2007) (holding that the defendant insurers did not cover the cost of repairing a defective floor in Wal-Mart's distribution center)
- *Kerry v. Quicehuatl* , 213 Or. App. 589, 162 P.3d 1033 (2007) (rejecting the insured's arguments for greater policy limits)
- *Baxter Inter., Inc. v. American Guar. and Liability Ins. Co.* , 369 Ill.App.3d 700, 861 N.E.2d 263 (2006) (reversing a multi-million dollar judgment in a case involving insurance claims related to hurricane damage to medical-supply inventory)



- *Weihl v. Asbestos Corp.* , 204 Or. App. 255, 129 P.3d 748 (2006) (affirming judgment in case involving the circuit court's authority to order dismissal as sanction for noncompliance with case-management order)
- *Hudjohn v. S&G Machinery Co.* , 200 Or. App. 340, 114 P.3d 1141 (2005) (affirming judgment on the grounds that the trial court should have directed a verdict against the plaintiff's personal injury claims arising from exposure to allegedly toxic chemicals)
- *Valencia v. Crane Co.* , 132 Fed. Appx. 171 (9th Cir. 2005) (affirming dismissal of the plaintiff's negligence claims against manufacturer of a beverage-vending machine)
- *Bingenheimer v. State Farm Mut. Auto. Ins. Co.* , 196 Or. App. 316, 100 P.3d 1132 (2004) (affirming judgment based on plaintiff's inability to present evidence establishing a question of fact regarding causation)
- *Bird v. Lewis and Clark College* , 303 F.3d 1015 (9th Cir. 2002) (affirming judgment for Lewis and Clark College in student's action alleging violations of the Americans with Disabilities Act)
- *Strader v. Grange Mut. Ins. Co.* , 179 Or. App. 329, 39 P.3d 903 (2002) (holding that Oregon law does not recognize a tort claim for negligent breach of an insurance contract)
- *Richardson v. Guardian Life Ins. Co. of America* , 161 Or. App. 615, 984 P.2d 917 (1999) (affirming judgment in case involving claim for overhead disability insurance)
- *Woodfeathers, Inc. v. Washington County* , 180 F.3d 1017 (9th Cir. 1999) (affirming judgment in Commerce Clause case based on federal preemption principles)
- *Gaspar v. Village Missions* , 154 Or. App. 286, 961 P.2d 286 (1998) (affirming dismissal of the plaintiff's claims concerning alleged demonic possession)
- *Crowe v. Gaston* , 134 Wash.2d 509, 951 P.2d 1118 (1998) (affirming judgment in action involving the scope of remedies available where alcohol is sold to minors)
- *Seizer v. Sessions* , 132 Wash.2d 642, 940 P.2d 261 (1997) (reversing the court of appeals in case involving competing claims to lottery winnings)
- *Clackamas County v. 102 Marijuana Plants* , 323 Or. 680, 920 P.2d 149 (1996) (reversing the trial court's judgment in a civil forfeiture action)
- *Lampf, Pleva, Lipkind, Prupis and Petigrow v. Gilbertson* , 501 U.S. 350 (1991) (wrote the successful petition for a writ of certiorari in an action involving the statute of limitations applicable to claims under the federal securities laws)
- *Gain v. Carroll Mill Co.* , 114 Wash.2d 254, 787 P.2d 553 (1990) (affirming dismissal of claims for negligent infliction of emotional distress)
- *Grange Ins. Co. v. Brosseau* , 113 Wash.2d 91, 776 P.2d 123 (1989) (holding that the intentional-act exclusion applied to murder committed in self defense)



Representative Experience

- \$3.6 million verdict set aside in Oregon wrongful death case, new trial ordered

Practice Areas

Appellate
Commercial Litigation
Insurance Law

Industries

Insurance

Education

Northwestern School of Law, Lewis & Clark College - J.D., *cum laude*, 1984
University of Oregon - B.S. in History, 1980

Bar Admissions

- Oregon, 1984
- Washington, 1984

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Oregon
- U.S. District Court, Eastern District of Washington
- U.S. District Court, Western District of Washington

Professional and Civic Involvement

- American Academy of Appellate Lawyers (Fellow, 2009-Present)
- American Bar Association (Member, Council of Appellate Lawyers; Member, Litigation Section)
- Defense Research Institute (Former Member; Member, Amicus Committee, 2005-2008; Chair, Appellate Advocacy Committee, 2005-2007; Vice Chair, Appellate Advocacy Committee, 2003-2005; Program Chair, Appellate Advocacy Committee, 2001-2003)
- Multnomah Bar Association (Member)
- National Foundation for Judicial Excellence (Member, 2006-2010; Member, Board of Directors; Member, Program Committee)
- Oregon Association of Defense Counsel (Member; Case Notes Editor, *The Verdict*, 2010-2012)
- Oregon State Bar (Member, Uniform Jury Instructions Committee, 2009-2012; Member, Executive Committee, Appellate Practice)



Section, 2004; Member, Board of Bar Examiners, 1999-2002)

Awards and Honors

- AV® Preeminent™, Peer Review Rated by Martindale-Hubbell
- Selected for inclusion in *Oregon Super Lawyers* (2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006 — Appellate)
- Selected for inclusion in *The Best Lawyers in America*® (2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007 — Appellate Practice)

Publications and Presentations

- Co-Speaker & Author, "*King County v. Travelers, et al.* – A Site Visit to the Washington Supreme Court," Western States Surety Conference (2017)
- Co-Speaker, "Bears and Bulls: Swings in the Appellate Courts," Oregon Association of Defense Counsel (OADC) Annual Convention (2015)
- Chapter Author, "Appeal and Review: Beyond the Basics, 2014 Ed.," Oregon State Bar Legal Publications (2014)
- Speaker, "New Developments in Oregon Appellate Law," Oregon Association of Defense Counsel (OADC) (2007-2014)
- Speaker, "Preserving Error in Oregon's Trial Courts," Oregon Association of Defense Counsel (OADC) (2012)
- Speaker, "Fundamentals of Trial Practice—Appeals," Oregon State Bar (2011)
- Co-Author & Speaker, "The Roberts Court: Evaluating the 2006 Term and Previewing the 2007 Term," Defense Research Institute (DRI) Annual Meeting (2007)
- Author, "From the Chair: Perspectives on Persuasion," Defense Research Institute (DRI), *For The Defense* (2007)
- Speaker, "How to Present an Effective Oral Argument," Federal Bar Association (2007)
- Speaker, "New Challenges Presented by Spoliation of Electronic Evidence," National Foundation for Judicial Excellence (2007)
- Author, "Appearance to Match Substance: Creating the Stylish Brief," Defense Research Institute (DRI), *For The Defense* (2006)
- Speaker, "Defending Punitive Damage Claims in Oregon After *State Farm v. Campbell*," Oregon Association of Defense Counsel (OADC) Seminar (2004)
- Author, "Ten Simple Rules for Better Writing," Defense Research Institute (DRI), *For The Defense* (2003)
- Speaker, "Punitive Damages After *Campbell*," Oregon Association of Defense Counsel (OADC) Seminar (2003)
- Program Chair / Moderator, Defense Research Institute (DRI) Appellate Advocacy Seminar (2004)
- Speaker, "Preserving Error in Oregon's Trial Courts," Lorman Education Services Seminar (2003)



- Speaker, "Initiating and Pursuing Civil Appeals," Oregon State Bar Seminar (2002)
- Speaker, "Successful Amicus Curiae Practice," Defense Research Institute (DRI) Appellate Advocacy Seminar (2000)