



# Daniel J. Oates

Partner

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**“Responsiveness, creative thinking, and practicality are the touchstones of good litigation strategy. Most matters resolve short of trial, and some combination of quick action, timing, and common-sense are critical to achieving a favorable outcome. Clients should look for a lawyer that embraces these qualities and is focused on results rather than litigation tactics.”**

Dan Oates focuses his practice on franchising and distribution and cannabis litigation. These two fields are both heavily regulated, and litigation in these areas requires a deep understanding of not only the standard rules of procedure and complex commercial litigation strategy, but also the impact that actions will have on regulators, franchisees, vendors, and the supply chain. Dan has spent his career in state and federal courts litigating claims for breach of contract, presale negligent and fraudulent misrepresentation, trademark infringement, termination, nonrenewal, and partnership disputes. He also has extensive experience with administrative actions before the Washington State Liquor and Cannabis Board, the Washington Department of Financial Institutions, the Washington Department of Licensing, and the United States Patent and Trademark Office Trademark Trial and Appeal Board.

In addition to his work with regulated industries, Dan also has substantial experience in real estate litigation. He has represented real estate brokers in defense of civil claims and administrative disciplinary actions as well as a variety of clients on claims for breach of lease, quiet title, easement disputes, and unlawful detainer actions.

While in law school, Dan externed for the Honorable Marsha J. Pechman, United States District Court Judge for the Western District of Washington. And from 2010 to 2011, Dan clerked for the Honorable Thomas S. Zilly, United States District Court Judge for the Western District of Washington.

## Professional Activities

- *Franchise Law Journal*
  - Editor-in-Chief, 2018-present
  - associate editor, 2014-present
  - title and article editor, 2013

## Education

J. D., Seattle University School of Law, *summa cum laude*, 2007

- Editor, *Seattle University Law Review*, 2005-2007

B. A., University of Washington, 2003

## Bar Admissions

Oregon, 2013  
Washington, 2007

## Court Admissions

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of Washington

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, District of Oregon

- Western District of Washington Federal Bar Association, Local Rules Committee, 2015-present
- Seattle University Law Alumni Board, member
- International Franchise Association, Business Network, Pacific Northwest Region, co-host
- King County Bar Association, member
  - Neighborhood Legal Clinics Program, volunteer
- Washington State Bar Association, member
- Oregon State Bar Association, member
- American Bar Association, member
  - Forum on Franchising, member

## Representative Experience

### Franchising

- Represented investor in franchisor in federal court action alleging pre-sale fraud and misrepresentation claims against investor and franchisor. Obtained dismissal of claims at pleading stage.
- Represented motor vehicle manufacturer in federal court action alleging wrongful termination of dealership in violation of state and federal law. Obtained order transferring case to appropriate district.
- Represented franchisor in state court bringing claims against franchisee for wrongful termination of franchise agreement. Obtained verdict in favor of franchisor after trial, awarding damages, lost profits, and enforcement of post-termination non-compete through permanent injunction.
- Represented franchisor in federal court action to terminate franchise and recover damages from breaching franchisee. Obtained dismissal on summary judgment of franchisee's statutory and common law counterclaims, and successfully prevailed on termination claims at trial.
- Represented franchisor in arbitration bringing claims against franchisee for wrongful termination of franchise agreement. Obtained final judgment against franchisee awarding damages and lost profits.
- Defended franchisor in state court action brought by franchisee seeking damages for alleged violations of Washington's Franchise Investment Protection Act, registration and disclosure violations. Obtained dismissal of franchisee's claims on summary judgment.
- Defended franchisor in federal court action brought by franchisee seeking damages for alleged violations of Washington's Franchise Investment Protection Act, registration and disclosure violations. Obtained dismissal of franchisee's claims on summary judgment.
- Represented franchisor in trademark infringement lawsuit. Obtained favorable coexistence agreement with junior user that protected franchisor's trademark rights.

### Cannabis

- Represented cannabis industry licensor and supplier in claims for breach of contract and breach of option to purchase licensed cannabis business assets in state court and arbitration proceedings.
- Represented creditor of producer-processor cannabis business. Obtained temporary restraining order prohibiting Washington State Liquor and Cannabis Board from seizing and destroying producer-processor's assets (including cannabis products). Case resolved with agreement with agency that permitted licensee's assets to be sold and creditors paid with proceeds through state sanctioned receivership action, thereby preserving creditor recovery of defunct licensee's debts.
- Represented consultant of cannabis licensee in defense of claims brought in federal court by licensee's employee alleging fraud and misrepresentation in his employment agreement and claiming ownership interest in cannabis business. Obtained dismissal of claims at pleading stage.
- Defended retail cannabis location in dispute with landlord over option agreement for sale of interest in cannabis location. Obtained dismissal of claims at pleading stage.

- Represented many retail and producer-processor cannabis licensees in actions brought by Washington State Liquor and Cannabis Board before the Office of Administrative Hearings in defense of administrative notices of violation relating to matters including traceability violations, testing violations, misrepresentation violations, true-party-in-interest violations, and pesticide violations.

### Gasoline Distribution

- Represented gasoline supplier in defense of claims brought by dealer in federal court for discrimination in violation of Washington Franchise Investment Protection Act, Washington Gasoline Dealer Bill of Rights Act, and breach of contract. Prevailed on summary judgment with dismissal of all claims.
- Represented gasoline supplier in defense of claims brought by dealer in federal court alleging fraud in sale of gasoline station. Obtained summary judgment dismissal of claims, affirmed on appeal by the Ninth Circuit Court of Appeals.
- Represented gasoline supplier on breach of contract claim against distributor over gasoline supply contract.

### Real Estate

- Defended dozens of real estate licensees in state court action seeking damages for misrepresentation and breach of statutory and common law duties. Obtained complete defense verdict following jury trial on the merits.
- Represented landlord and property owner in defense of procuring cause claims for commissions allegedly earned by commercial real property broker.
- Represented tenant in breach of lease action seeking early termination of lease.
- Represented secured creditor in quiet title action seeking to secure property for sale after prior owner asserted right, title, and interest in real property after foreclosure. Obtained multiple file judgments affirming ownership interest and permanently enjoining prior owner from asserting ownership interest in prior property.

### Other Commercial Litigation

- Represented manufacturer in trademark infringement lawsuit seeking to prevent former distributor from infringing on manufacturer's marks. Successfully obtained agreement from former distributor to prevent use of manufacturer's marks.
- Represented multiple trademark holders in Trademark Trial and Appeal Board (TTAB) actions seeking cancellation of existing marks or opposition to trademark applications.
- Represented multiple owners of small business entities in disputes over business ownership and operational issues, including claims for breach of fiduciary duty.

### Publications

- *Dueling Perspectives on Selected Franchise Agreement Provisions*, ABA 43rd Annual Forum on Franchising, W18 (Oct. 2020)
- "COVID-19: Cannabis Industry Resources," Miller Nash Graham & Dunn, coauthor (Mar. 2020)
- "Stepping on Toes: Territorial Rights and Encroachment," ABA 42nd Annual Forum on Franchising, W14 (Oct. 2019)
- "New Washington Act Limits Noncompetition Covenants for Employees and Independent Contractors—With a Big Poison Pill Included," Miller Nash Graham & Dunn, *News You Can Use*, coauthor (May 2019)
- *Franchising & Distribution Currents*, 37 *Franchise L.J.* 615 (Spring 2018)
- *A State's Reach Cannot Exceed its Grasp: Territorial Limitations on State Franchise Statutes*, 37 *Franchise L.J.* 185 (Fall 2017)
- *Franchising & Distribution Currents*, 36 *Franchise L.J.* 513 (Winter 2017)
- *Exemptions and Exclusions Under Washington Law*, Exemptions and Exclusions Under Fed. and State Franchise Registration and Disclosure Laws, coauthor (Leslie D. Curran and Beata Krakus, eds., 2016)

- *Franchising & Distribution Currents*, 35 Franchise L.J. 281 (Fall 2015)
- *Franchisor Political Speech: The Disclosure Question*, 34 Franchise L.J. 555 (Spring 2015)
- “Is this Really the End? Dealing With Renewal and Nonrenewal of Franchise Relationships,” International Franchise Association 48th Annual Legal Symposium (May 2015)
- *Franchising & Distribution Currents*, 34 Franchise L.J. 229 (Fall 2014)
- “Fundamentals 201: Strategic Discovery Issues In Franchise Litigation,” American Bar Association 36th Annual Forum on Franchising, W24 (Oct. 2013)
- *Substantial Association with a Trademark: A Trap for the Unwary*, 32 Franchise L.J. 130, coauthor (Winter 2013)
- *State Regulation of Franchising: The Washington Experience Revisited*, 32 Seattle U. L. Rev. 811 (2009)
- *Open Price Agreements: Good Faith Pricing in the Franchise Relationship*, 27 Franchise L.J. 45 (Summer, 2007)
- *HIPAA Hypocrisy and the Case for Enforcing Federal Privacy Standards Under State Law*, 30 Seattle U. L. Rev. 745 (2007)

## Presentations

- “Dueling Perspectives on Selected Franchise Agreement Provisions,” American Bar Association, 43rd Annual Forum on Franchising (Oct. 2020)
- “Civil Enforcement Issues,” Seattle University School of Law/Seattle University Law Review, CLE Symposium (Feb. 2020)
- “Stepping on Toes: Territorial Rights and Encroachment,” American Bar Association, 42nd Annual Forum on Franchising (Oct. 2019)
- “Franchise Law,” Entrepreneurs Organization: Legal Quick-Fire (Feb. 2016)
- “Is this Really the End? Dealing With Renewal and Nonrenewal of Franchise Relationships,” International Franchise Association, Legal Symposium (May 2015)
- “Franchisor Liability for Franchisees’ Industrial Insurance Premiums,” International Franchise Association, Franchise Business Network Luncheon (Apr. 2014)
- “Fundamentals 201: Strategic Discovery Issues in Franchise Litigation,” American Bar Association, 36th Annual Forum on Franchising (Oct. 2013)

## Recognition & Honors

- Selected for inclusion in *The Best Lawyers in America*<sup>®</sup> (Seattle, WA)
  - Franchise Law, 2022
- Mentor of the Year, Miller Nash Graham & Dunn LLP, 2019
- Recognized as a Legal Eagle, *Franchise Times*, 2021
- Selected to the international edition of *Who’s Who of Franchise Lawyers*, 2017-present
- Selected for inclusion as a Washington Super Lawyer—Rising Star, 2009, 2013-2020
- King County Bar Association, Mentor of the Year Finalist, 2016

## Personal Activities

Born and raised in Bellingham, Washington, Dan grew up in the great outdoors. When he is not in the courtroom or at the office, he can typically be found in a remote corner of the world seeking adventure and peace in the great wilderness areas of America. Deep in our National Parks, he and his family (Carrie, Abigail and Luke) hunt for beautiful vistas, tranquil riverside picnics, cascading waterfalls, and night skies unblemished by city lights.