



# Joshua M.F. Sasaki Partner

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**“We best serve our clients when we take their problems as our own. We then apply our knowledge and experience to provide real solutions through sound advice, risk mitigation, earnest negotiation, and, if necessary, trial.”**

Josh Sasaki is a partner in the business litigation practice group. He has represented plaintiffs and defendants in a diverse range of disputes involving corporate governance and shareholder rights, securities, real estate, energy, creditors’ rights, insurance coverage, and product liability. He has tried and arbitrated cases involving construction defect, corporate governance, creditors’ rights, trusts and estates, real estate, and product liability. He has defended clients in numerous class action lawsuits, including securities fraud, product liability, and consumer protection statutes.

Josh also has an active pro bono practice. As a young associate, he helped establish the firm’s FED defense program with Legal Aid Services of Oregon. Currently, he actively represents clients referred to the firm by the United States District Court for the District of Oregon in conjunction with Miller Nash’s pro bono Virtual Legal Aid Clinic in Central Oregon.

## Professional Activities

- Multnomah Bar Association, member
- Oregon Asian Pacific American Bar Association, Advocacy Committee, member
- Oregon Minority Lawyers Association, member
- American Bar Association, member
- Federal Bar Association, Oregon Chapter
  - Oregon Chapter, director
  - Diversity & Inclusion Committee
- Gus J. Solomon Inn of Court, member

## Civic Activities

- Multnomah Athletic Club, member
- Portland Business Alliance, past director
- Oregon Business Association, Business & Finance Committee, past member

## Education

J.D., Lewis & Clark Law School (formerly Northwestern School of Law), *cum laude*

- Earned Environmental Certificate

A.B., Dartmouth College, *magna cum laude*, high honors from Department of Classics

## Bar Admissions

Oregon, 1996

## Court Admissions

U.S. District Court, District of Oregon, 1996

## Languages

French

- Dartmouth Alumni Club of Oregon, member
- Active participant in Partners in Diversity, an organization of Oregon and southwest Washington businesses that encourage diversity in the workplace
- Lawyers' Campaign for Equal Justice, volunteer and past member

## Representative Experience

### Business Litigation

- Successfully challenged the National Women's Soccer League's minimum age rule in U.S. District Court as an illegal boycott in violation of federal antitrust law on behalf of 15-year-old professional soccer player Olivia Moultrie. Trial team obtained a temporary restraining order and a preliminary injunction in this landmark case, prohibiting the NWSL and its teams from boycotting Moultrie due to her age. Achievements also included securing favorable rulings on significant questions arising out of federal antitrust and labor law, including that the NWSL and its teams did not constitute a "single entity" for antitrust purposes and that Moultrie's claim was not precluded by federal labor statutes and did not interfere with ongoing collective bargaining between the NWSL and the NWSL Players Association. Case culminated in the negotiation of a settlement ensuring Moultrie's right to continue playing in the NWSL, subject to the provisions of any final collective bargaining agreement.
- Regularly represents investor-owned utility in a variety of litigation-related matters, including multiple lawsuits and demands arising out of the failure of a dike that flooded approximately 2,300 acres of farmland, a golf course, and a state highway, contract-based claims by customers over rate increases, disputes with public utility districts over terms of power purchase agreements, claims against a contractor for an explosion at a power plant, litigation relating to the contamination of a power plant's natural gas fuel supply, and challenges relating to the constitutionality and legality of certain taxes.
- Defended publicly traded manufacturer against breach-of-contract claim by foreign distributor, seeking approximately \$100 million in damages. Court granted summary judgment in favor of client.
- Successfully recovered more than \$100 million in minority oppression dispute between two shareholders of closely held company. Also obtained changes to board of directors and corporate governance in favor of client.
- Recovered multimillion-dollar settlement on behalf of a helicopter company against manufacturer in antitrust and breach-of-contract dispute.
- Obtained dismissal (and indemnification) of independent director in minority oppression lawsuit between members of a prominent Portland real estate family.
- Recovered reimbursement of defense costs from director and officer liability insurer after client shareholder group successfully assumed control of publicly-traded company through litigation and proxy contest.
- Represented golf course in dispute with developer over fraudulent misrepresentations concerning financial partner.
- Recovered more than \$50 million from multiple insurance companies involved in the Archdiocese of Portland bankruptcy.

### Securities & Consumer Class Action Litigation

- Obtained dismissal of putative consumer class action against publicly-traded financial institution involving allegations of breach of contract and Unfair Trade Practices Act.
- Successfully defended public-traded company in federal securities class action. Case resolved after class certification.
- Defended marketing, research, mortgage, and retail businesses in consumer protection litigation, including alleged violations of the Telephone Consumer Protection Act, Unfair Trade Practices Act, Electronic Funds Transfer Act, and common tort and contract claims.
- Investigated and developed mass action based on securities claims arising out of Aequitas scandal.

### Product Liability, Personal Injury & Tort

- Defended manufacturer of building products in several product liability and construction-defect actions and disputes. Cases have been resolved through arbitration and settlement.
- Successfully defended landlord of automobile repair facility in wrongful-death and catastrophic-personal-injury litigation resulting from gasoline and natural gas explosion. Case was resolved after mediation.
- Defended manufacturers of commercial vehicles and industrial engines in multiple product liability and breach-of-warranty actions in state and federal courts in Oregon and Washington.
- Defended manufacturer of building products in Oregon state-court strict product liability action involving roof shingles. Case was resolved on the first day of trial.
- Defended commercial engine manufacturer in Washington state-court action involving allegations of breach of implied and express warranties and spoliation in connection with the alleged failure of the engine.
- Defended commercial engine manufacturer in Washington state-court action involving allegations of negligent manufacture of a diesel engine.
- Defended manufacturer of respirator in asbestos action.
- Defended manufacturer of pacemaker in products liability action alleging defective manufacturing.
- Defended manufacturer of ATVs in product liability action alleging defective design and repair.
- Represented automobile manufacturer in products liability action alleging that the automobile was defectively designed and manufactured.
- Defended manufacturer of building products in product liability and breach of warranty arbitration. Obtained dismissal on the first day of arbitration.

### Corporate Governance & Shareholder Litigation

- Regularly advise businesses as well as nonprofit organizations on fiduciary duties and other obligations, election and governance matters, and regulatory investigations.
- Successfully defended energy company in multimillion-dollar dispute with co-owner of power plant and related assets.
- Prosecuted direct and derivative claims on behalf of 50 percent co-owner of multibillion-dollar company. Litigation settled on the courthouse steps.
- Defended cultural nonprofit organization in litigation arising out of annual meeting and contested election of board of directors. Advised company on subsequent election process.
- Defended homeowners association against multimillion-dollar claims of breach of fiduciary duty. Also recovered attorney fees and costs from insurer.
- Obtained dismissal of independent director in high profile dispute involving family-owned real estate company. Also obtained indemnification of attorney fees and cost from company.
- Investigated and pursued claims on behalf of publicly traded company against its former chief executive and founder. Case was settled. Also recovered related proxy contest fees from insurer.

### Publications

- "Punitive Damages," *Oregon Automobile Law Compilation*, Oregon State Bar, author (2019)
- "Punitive Damages," *Damages*, Oregon State Bar, chapter coauthor (2016)
- "The Meet and Confer with Opposing Counsel," *E-Discovery: Bridging the Gap Between the Law and the Technology*, Oregon Law Institute of Lewis & Clark Law School (Oct. 2008)
- "Planning to Keep Business All in the Family," *Portland Business Journal* (Jan. 2005)
- "The Growing Concept of Professionalism," *The Ethical Oregon Lawyer*, Oregon State Bar, chapter contributor (1998)

## Presentations

- “Wait, Wait...Don’t Expel Me!” Gus J. Solomon Inn of Court, co-presenter (Apr. 2022)
- “The Path to Partnership,” Oregon Asian Pacific American Bar Association (May 2020)
- “Prevention & Pitfalls in E-Discovery,” National Asian Pacific American Bar Association, Western Regional Conference (June 2011)

## Recognition & Honors

- Selected for inclusion in *The Best Lawyers in America*® in Commercial Litigation, 2013-present
- Selected for inclusion as an Oregon Super Lawyer, 2012-present
  - Top 50 Oregon Super Lawyers, 2014
  - Selected as a Rising Star, 2008, 2010-2011
- Received a 40 Under 40 Award, *Portland Business Journal*, 2007
- Rated AV® Preeminent™ by Martindale-Hubbell®

## Personal Activities

Josh enjoys spending time with his wife, Katherine, and their two children, Alison and Grant. He also likes reading history and fiction.