



Donald Scaramastra

Partner

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“My mission is to achieve my client’s objectives as effectively as possible. Clients, colleagues, and adversaries commend me for handling even the most complex and challenging disputes. I believe that my task is to defuse tensions and solve problems, not make them worse.”

Don Scaramastra represents businesses, particularly those in the Pacific Northwest’s maritime, fisheries, transportation, and industrial sectors, in complex insurance recovery and high-stakes disputes. Companies turn to Don when facing major losses, denied claims, environmental liabilities, or other challenges that threaten operations. He works to guide clients to efficient, negotiated solutions that avoid costly, resource-intensive litigation.

When litigation is unavoidable, Don draws on trial and appellate experience gained in courts throughout the West Coast handling insurance coverage disputes, environmental liability claims, commercial contract matters, antitrust issues, and challenges related to corporate transactions.

Don’s work includes significant insurance recoveries for environmental remediation under federal and state Superfund laws; coverage for products, professional liability, and D&O claims; and disputes involving maritime and transportation losses. He has secured coverage victories against many of the largest national insurers. Don is consistently recognized for his insurance coverage work, including a Band 1 ranking in Insurance in Washington by *Chambers USA*.

A passionate believer in the power and obligation of lawyers to give back to their communities, Don devotes part of his practice to pro bono work. This work has included impact litigation to protect the constitutional rights of foster children to a safe home, to defend the procedural protections that ensure a fair trial for those accused of crimes, and to restore driver’s licenses to impoverished individuals who lose those licenses simply because they were too poor to pay a traffic fine.

Don’s history of leadership in the legal profession includes senior roles in bar associations and community nonprofits. He is also co-leader of the firm’s insurance recovery practice and its pro bono committee.

Education

J.D., University of California at Berkeley Law, 1991

- Notes and Comments Editor, *California Law Review*
- Moot Court Board

B.A., University of California Irvine, *magna cum laude*, political science, 1988

Bar Admissions

Washington, 1992
Oregon, 2024

Court Admissions

U.S. Supreme Court, 2007

U.S. Court of Federal Claims, 2004

U.S. District Court, Eastern District of Washington, 1997

U.S. Court of Appeals for the Ninth Circuit, 1993

U.S. District Court, Western District of Washington, 1992

Don earned his J.D. from the University of California, Berkeley School of Law and then clerked for Judge Kenneth L. Ryskamp, U.S. District Judge, Southern District of Florida.

Professional Activities

- Miller Nash Pro Bono Committee, Co-Chair
- King County Bar Association
 - Board of Trustees, 2017-2019
 - Young Lawyers Division
 - Board of Trustees, 2001-2004
 - Chair, 2003-2004
- King County Bar Foundation Board of Trustees
 - Chair, 2015-2016
 - Member, 2008-2017
- Risk Management Society, Washington Chapter, Member

Civic Activities

- Washington Athletic Club, Arts & Entertainment Committee, Member, 2024-present
- Reclaim (formerly Snoqualmie Valley Shelter Services)
 - President, 2022-present
 - Board of Directors, 2020-present
- Children's Alliance
 - Board Member, 2002-2012
 - President, 2004-2007

Representative Experience

Insurance Recovery

- *Client v. Travelers Casualty & Surety Co., et al.* – Recovered over \$30 million in insurance for cleanup related costs at the Commencement Bay Nearshore/Tideflats federal Superfund site.
- Portland Harbor Superfund Site – Helped multiple policyholder clients obtain insurance coverage for environmental cleanup costs.
- *N. Am. Elite Ins. Co. v. Space Needle, LLC*, 200 A.D.3d 425, 159 N.Y.S.3d 396 (N.Y. App. Div. 1st Dep't 2021).
 - Secured a U.S. New York trial and appellate court rulings preventing insurer from forcing a Washington policyholder to litigate an insurance coverage dispute in New York.
- *Kitsap County v. Allstate Insurance Co.*, 136 Wash. 2d 567, 964 P.2d 1173 (Wash. 1998)– Prevailed on insurance coverage issues before the Washington State Supreme Court, followed by recovery of millions of dollars in environmental response costs for multiple historical waste-disposal sites.*
- *Advaiya Solutions, Inc. v. Hartford Fire Insurance Co.*, No. C23-0685-KKE, slip op. (W.D. Wash. Sept. 20, 2024)
 - Secured cyber-liability insurance coverage for ransomware-related losses, including incident-response and business-interruption costs.
- *Markel Insurance Co. v. Secret Harbor* – Obtained application of the “continuous damage” trigger, activating multiple policy years and insurers for long-tail abuse claims in a high-value coverage dispute.
- *Global Media Company v. National Union Fire Insurance Co.* – Secured a multimillion-dollar recovery under a multimedia liability policy.*
- *Client v. Starr Indemnity & Liability Co.* – Obtained a multimillion-dollar recovery under a D&O policy resolving shareholder litigation.*

- *Client v. Liberty Surplus Lines Insurance Co.* – Resolved coverage litigation through mediation, securing full compensation for defense and indemnity costs from a product-defect lawsuit.
- *Client v. Starr Surplus Lines Insurance Co.* – Secured a ruling granting full recovery under a product recall policy.*
- *Client v. ACE American Insurance Co.* – Secured \$6 million in insurance coverage for Superfund cleanup costs at the Lower Duwamish Waterway.
- *Client v. Navigators Insurance Co., et al.* – Secured \$4 million policy limits under marine builder’s risk insurance.
- *Client v. Endurance American Insurance Co., et al.* – Secured a ruling resulting in \$4.6 million recovery in marine general liability policy for supplier of general marine services.
- *Alakayak v. All Alaskan Seafoods* – Served as co-counsel in the defense of antitrust price-fixing claims arising from the Bristol Bay sockeye salmon industry.*
- *Jaynes v. Puget Sound Naval Shipyard* – Week-long trial resulting recovery of six years of hazard pay for 74 shipwrights, totaling roughly \$4 million.*

Appellate

- *Skarbo v. Skarbo Scandinavian Furniture Import, Inc.* – Trial and appellate victories compelling a shareholder buyout due to corporate deadlock.*
- *Taliesen Corp. v. Razore Land Co.* – Judgment and attorneys’ fees following a six-week trial involving environmental cleanup claims.*
- *Estate of Rabinowitz* – Successful defense of a will contest at trial and on appeal.*
- *Estate of Rhodehamel* – Successful defense of a will contest on appeal.*

Pro Bono

- *Braam ex rel. Braam v. State*, 150 Wash. 2d 689, 81 P.3d 851 (2003). – Landmark Washington Supreme Court decision that transformed how Washington treats children in foster care, affirming the State’s constitutional duty to protect foster children from harm while in state custody and authorizing courts to require long-term, systemic reform when those obligations are not met.*
- *Best v. Grant County* – Class action resulting in court-supervised reform of felony public defense system after demonstrating that chronic underfunding and excessive caseloads deprived defendants of their constitutional right to effective counsel.*
- *Pierce v. Washington State Department of Licensing* – Constitutional challenge ending driver’s license suspensions based solely on inability to pay traffic fines, prompting statewide reform and restoring mobility for some low-income residents.*
- *Sacks v. Office of Foreign Assets Control* – Obtained a court order, upheld by the Ninth Circuit, stopping the federal government from imposing penalties on humanitarian shipments to Iraq and setting clear limits on the government’s power to enforce economic sanctions against lawful aid efforts.*

*Denotes experience prior to joining Miller Nash LLP

Publications

- “When the Application is the Risk (of Rescission): Don’t Let your Insurance Application Shred your Policy,” Miller Nash, *The Northwest Policyholder*, coauthor (Feb. 2025)
- “Enterprise Liability Insurer Has Duty to Defend Against a Vendor’s Claim, Even When Presented as an Invoice for ‘Usage Fees,’” Miller Nash, *The Northwest Policyholder* (January 2025)
- “This Is [Not] How We Do It: Insurer Gets Schooled on the Consequences of a Bad Faith Refusal to Defend,” Miller Nash, *The Northwest Policyholder* (May 2024)

- “Social Inflation: Myth or Menace?” Miller Nash, *The Northwest Policyholder* (Apr. 2024)
- “The Superpowers of Don Scaramastra,” *Washington Super Lawyers Magazine*, interview (July 2023)
- “Livin’ on a Prayer (for Noneconomic Damages in a Coverage Dispute),” Miller Nash, *The Northwest Policyholder*, coauthor (May 2022)
- “Washington Court of Appeals Makes It Easier for Policyholders to Tap Excess Coverage,” Miller Nash, *The Northwest Policyholder* (Sept. 2021)
- “Restaurant Insurance in the Post-COVID Era,” *Pizza Today*, interview (June 2021)
- “What to Know about Claiming Insurance after Riot Damage,” *FSR Magazine*, interview (June 2020)
- “Does Restaurant Business Insurance Cover COVID-19 Claims?” *FSR Magazine*, interview (May 2020)

Presentations

- “How Much Is One Picture Worth?: Visual and Data-Driven Tools for Clarifying Coverage and Illuminating Claims,” ABA Litigation Section Insurance Coverage Litigation Committee, CLE Seminar (Mar. 2026)
- “Help Me Help You: Collaborative Problem-Solving with Opposing Counsel,” ABA Litigation Section Insurance Coverage Litigation Committee, CLE Seminar, copresenter (Mar. 2025)
- “‘Social Inflation,’ Limits-Demands, and Consent Judgment Settlements,” The Seminar Group, Northwest Insurance Law Seminar, copresenter (Nov. 2023)
- “Insurance Applications: Best Practices and the Consequences of Missteps,” Miller Nash, Insurance Webinar Series (May 2023)
- “Insurance Coverage for Digital Assets: Cryptocurrency, NFT Losses Under Traditional and Specialized Crypto Policies,” Strafford CLE, copresenter (Dec. 2022)

Recognition & Honors

- Recognized as a “Leader in Their Field” by *Chambers USA* for Insurance—Washington, 2024-present
- Selected for inclusion in *The Best Lawyers in America*® (Seattle, WA)
 - Insurance Law, 2024-present
- Selected for Inclusion as a Washington Super Lawyer, 2009-present
 - Selected as a Rising Star, 2001-2002, 2006-2007
- Champion for Children Award, Children’s Alliance, 2007
- Civil Libertarian Award, ACLU of Washington, 2006
- Named to *Puget Sound Business Journal’s* 40 Under 40 list, 2005
- Dallaire Public Service Award, Garvey Schubert Barer, 2004
- Rated AV® Preeminent™ by Martindale-Hubbell®

Personal Activities

When he is not spending time enjoying the company of his two kids and honing his ability to tell the best (worst?) dad jokes, Don likes to try his hand at hiking, cooking, and pretending he knows the finer points of wine.