



Daniel C. Mooney

Partner

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Dan Mooney has substantial trial and appellate experience, having tried multiple cases to verdict throughout the state of Washington and defended matters before all three divisions of the Washington Court of Appeals. He practices in all areas of civil defense litigation, with particular emphasis on professional liability (health care providers, accountants, attorneys, real estate brokers), personal injury, construction defect, construction site injury, and premises liability.

Dan also represents all manner of licensed professionals before their respective administrative bodies and in disciplinary hearings. Prior to joining Wilson Elser, Dan worked at defense firms in the Seattle area and for a third-party administrator working on the Deepwater Horizon oil spill class action litigation.

Education

- Seattle University School of Law (J.D., 2011)
- St. Mary's College of California (B.A. English, 2005)

Bar Admissions

- Washington

Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Western District of Washington
- U.S. Bankruptcy Court, Western District of Washington

Services

- Construction
- Professional Liability & Services

Professional Affiliations

- Washington State Bar Association
- Washington Defense Trial Lawyers Association
- DRI: The Voice of the Defense Bar

Representative Matters

Complete defense verdict on all of plaintiff's claims against her HOA arising from HOA's exploration of alternative water sources.

Admitted liability malpractice trial against a treating provider with plaintiff alleging significant bodily injuries and weeks of in-patient rehabilitation. The jury returned a verdict for less an 10% of the \$2 million plaintiff sought and less than was offered during mediation.

Defense verdict after jury trial in which plaintiff claimed a foreign object was left in the left maxillary sinus during the extraction of the upper left third molar. Plaintiff's damages included chronic sinusitis, loss of smell with decreased taste, and increased respiratory sensitivity.

Defense verdict after a two-week jury trial in which plaintiff claimed a failure to diagnose and treat periodontal disease combined with orthodontic care that led to bone loss, mobile teeth, neuropathic pain, and inability to function.

Statutory and negligence claims against concrete supplier client dismissed on summary judgment. Plaintiff claimed life-altering permanent injuries after being struck by a concrete hose whip while pouring concrete. Plaintiff alleged the client violated OSHA, WISHA, the Products Liability Act, and the common law by providing defective concrete. Superior court dismissed plaintiff's statutory claims failed as a matter of law, and ruled plaintiff lacked sufficient evidence to support common law negligence claim.

Successful defense of property owner in superior court and before Division I of the Court of Appeals. Client owned a house within a HOA, which was rented to tenants. Tenants hosted a birthday party at which a 14-year-old guest drowned. Plaintiffs alleged negligence of homeowner and HOA caused the death. Superior court dismissed claims on summary judgment, and plaintiffs appealed. In upholding grant of summary judgment, the Court of Appeals held that the homeowners owed no duty to warn the party-goers about the open and obvious danger posed by the lake because they were not the possessors of the waterfront park.

Malpractice claim against therapist dismissed on summary judgment. Plaintiff, a minor, and her parents sued minor's therapist for malpractice and failure to obtain informed consent, claiming therapist failed to timely disclose a conflict of interest. Plaintiffs supported their claims with a declaration from an expert who said the therapist violated her ethical rules by not timely disclosing that she was the mother of an autistic student who

had assaulted the minor plaintiff years earlier. Superior court ruled the declaration failed to raise an issue of material fact with respect to breach of the standard of care or informed consent, and the superior court dismissed plaintiffs' claims with prejudice.

Legal malpractice claims dismissed on summary judgment. After law firm brought an action to recover unpaid legal fees relating to a representation in a family law matter, the former client brought counterclaims for legal malpractice, emotional distress, and violation of the Washington Consumer Protection Act. District court dismissed all counterclaims, finding the client lacked sufficient evidence. District court also granted summary judgment in favor of law firm on claim for unpaid fees, entering a judgment for the full amount of fees plus interest.

Client Wins

Rigsby, Mooney and Carley Achieve Favorable Jury Award in Especially Difficult Venue

Peder Rigsby (Partner-Portland, OR), Dan Mooney (Partner-Seattle, WA) and John Carley (Of Counsel-Portland, OR) secured a highly favorable jury award on behalf of their client, a large resource recovery company. The trial was held in King County, WA, a notoriously difficult venue for defendants recently included on the "Judicial Hellhole Top 10" list. This was an admitted liability case that was vigorously contested.

The client's garbage truck driver backed into the plaintiff's vehicle, causing it minor damage. Plaintiff was standing in the truck bed and either jumped or fell out. Plaintiff claimed numerous catastrophic injuries, including multiple surgeries and a concussion diagnosed nearly five years after the accident. The alleged economic damages were \$1.2 million. During jury selection, Plaintiff's counsel anchored at \$30 million. In closing, Plaintiff asked for \$11.8 million. The defense strategy focused on causation and the plaintiff's credibility, which included presenting numerous experts, a private investigator, and hours of video surveillance showing the plaintiff engaging in activities that he claimed he could not perform. Following a three-week trial, the jury returned a verdict of \$500,000 or \$100,000 less than our last offer.