



Dirk J. Muse

Partner

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Dirk Muse is a seasoned trial attorney and deputy regional managing partner of the firm's Seattle, Washington, office. Renowned for his vigorous advocacy and results-driven approach, Dirk represents clients in complex litigation, with a particular focus on personal injury, premises liability, construction defect, design professional liability, and high-exposure general liability matters. He also handles aviation and toxic tort cases. Dirk is recognized for his ability to navigate the nuances of each case, providing strategic counsel that aligns with his clients' business objectives and risk profiles.

Dirk's practice is distinguished by his comprehensive case assessment and resolution strategies. At the outset of every matter, he evaluates potential exposure, identifies strengths and weaknesses, and develops tailored plans to achieve favorable outcomes – whether through settlement or trial. His pragmatic approach is complemented by a commitment to clear communication, ensuring clients are informed and supported at every stage of the litigation process.

Clients value Dirk's ability to demystify complex legal issues and guide them through the challenges of litigation. He is adept at managing high-stakes cases efficiently, drawing on years of experience to deliver cost-effective solutions without compromising quality. Dirk's leadership extends to his management of litigation teams, where he leverages firm resources to provide seamless, coordinated representation across jurisdictions.

Before joining Wilson Elser, Dirk was a shareholder at a prominent Seattle defense litigation firm, representing insurance carriers and private clients in all aspects of civil defense litigation. His background includes extensive trial experience and a deep understanding of the insurance industry. Dirk's dedication to client service, strategic insight, and proven track record in the courtroom make him a trusted advisor to national and regional insurers, self-insured entities, and businesses navigating complex disputes. His focus on achieving efficient, effective resolutions – combined with his attention to

Services

- Professional Liability & Services
- Design Professionals
- Complex Tort & General Casualty
- Construction
- Transportation
- Toxic Tort

detail and unwavering advocacy – sets him apart as a leader in his field

Insurance Defense

Dirk manages claims and litigation involving premises liability, catastrophic personal injury, and general liability. He is recognized for his work in high-exposure cases and is equally committed to delivering zealous, disciplined representation in matters of all sizes.

Construction

Dirk provides experienced counsel in construction defect and accident litigation, representing contractors, developers, design professionals, and property owners. He handles claims involving property damage, personal injury, and complex contractual disputes, drawing on his extensive experience defending design professionals.

Professional Liability / Architects & Engineers

Dirk defends architects, engineers, and other design professionals in malpractice suits and is an active member of the firm's Design Professionals Practice.

Insurance Coverage

Dirk's experience includes coverage litigation and drafting coverage opinions for insurers.

General Liability

Dirk has built a diverse civil litigation practice, handling premises, auto, and product liability matters for a range of clients, including construction firms, property owners, and manufacturers.

Education

- Gonzaga University School of Law (J.D., 1998)
- Whitman College (B.A., 1991)

Bar Admissions

- Washington

Court Admissions

- U.S. District Court, Western District of Washington
- U.S. District Court, Eastern District of Washington

Professional Affiliations

- Washington State Bar Association
- Washington Defense Trial Lawyers

Client Wins

Muse and Bannan Secure Complete Dismissal in Washington State Asbestos Action

Dirk Muse (Partner-Seattle) and Carinne Bannan (Of Counsel-Seattle) obtained a complete dismissal with prejudice in Spokane County Superior Court, Washington, for Wilson Elser's client, a manufacturer of roofing and decking materials. In this asbestos case – recently transferred from one side of the state to the other – Dirk and Carinne argued dismissal was the only appropriate remedy, given the plaintiff's total lack of product identification evidence connecting the client to the alleged exposure. The plaintiff's counsel, who had ignored all informal requests for dismissal, then sought a continuance of the summary judgment motion to conduct further discovery. Dirk and Carinne convinced the court that a continuance was unwarranted, as the plaintiff had failed to pursue discovery in the year since filing the case. Accordingly, the court dismissed the claims with prejudice for lack of evidence.

Muse and Delay Secure Summary Judgment Dismissal for Security Company Clients on No-Duty Argument After \$7.5 Million Demand

Dirk Muse (Partner-Seattle) and Hailey Delay (Associate-Seattle) obtained summary judgment in Thurston County Superior Court, Olympia, Washington, for Wilson Elser's clients, a privately owned security company and its security officer, in a wrongful death and negligence action arising from a fatal, random shooting in a grocery store parking lot. The case stemmed from a September 2022 incident in which two brothers drove into the store lot, parked, and the younger sibling entered the store. A man with a history of mental illness, who had recently regained his gun rights and purchased a handgun hours earlier, entered the parking lot and fatally shot the brother seated in the vehicle. The shooter had no connection to the victim and was apprehended within minutes. At the time, our client security company was under contract with the store to provide a patrol vehicle and a single unarmed security guard on weekend evenings.

The decedent's estate and surviving brother sued the grocery chain and our clients, asserting claims for negligence, wrongful death, nuisance, and negligent hiring and supervision by the security company. After unsuccessful mediation – in which the plaintiffs demanded \$7.5 million and the clients jointly offered under \$100,000 – Dirk and Hailey moved for summary judgment, while the plaintiffs moved for partial summary judgment, seeking dismissal of certain affirmative defenses. Dirk and Hailey argued that the security company owed no duty to plaintiffs because it neither possessed nor controlled the premises and had no obligation to protect against unforeseeable criminal acts. Applying the "prior similar incidents" test, the court agreed that the shooting was a random, unforeseeable act and that the plaintiffs failed to present evidence of similar prior incidents on the premises. The court granted summary judgment in favor of Wilson Elser's clients, dismissing all claims against them.

Tatarka, Muse, and Bannan Secure Summary Judgment in Product Liability Subrogation Matter

Gregg A. Tatarka (Partner-White Plains, NY), Dirk J. Muse (Partner-Seattle), and Carinne Bannan (Associate-Seattle) prevailed on summary judgment in the U.S. District Court, Western District of Washington, for a consumer product and appliance distributor. In this product liability subrogation matter, the plaintiff brought an action to recover costs paid to its insureds for damage to their home when the washing machine leaked. The insureds argued the manufacturer was liable for a manufacturing defect and claimed \$400,000 in

damages.

Gregg, Dirk, and Carinne filed a motion for summary judgment, arguing that the statute of repose barred a claim against our appliance distributor client related to the 15-year-old machine and that there was no evidence of a manufacturing defect. The court concurred that there was no evidence of any manufacturing defect and granted Wilson Elser's motion, the decision bolstered by the plaintiff's expert's opinion that a common industry phenomenon caused the leak.

Muse and Bannan Secure Damages Award Well below Demand in Wrongful Death Case

Dirk Muse (Of Counsel-Seattle, WA) and Carinne Bannan (Associate-Seattle, WA) obtained a favorable verdict in King County Superior Court, Washington, in a wrongful death case where the decedent's estate asked the jury to award \$87 million. The 78-year old decedent, suffering from stage IV breast cancer, was being transported to the hospital in the insured's ambulance when it collided head-on with a freeway divider. The estate alleged that (1) the insured's EMTs failed to properly secure the patient to the gurney with all available straps, and (2) that the driver failed to exercise due regard while driving an emergency vehicle. As a result of the accident, the decedent suffered multiple fractures to his ribs and spine and ultimately passed away approximately 7.5 hours later. The decedent's sister was the only statutory beneficiary. Approximately six months before trial, Wilson Elser was asked to substitute in as counsel for the ambulance company. A month before trial, the parties mediated, but the estate never dropped below \$22 million. Shortly before trial, Dirk and Carinne admitted liability and proceeded only on the issue of damages. In his closing argument, plaintiff's counsel asked the jury to award \$87 million. We suggested that \$900,000 was a fair and reasonable award. After roughly three hours of deliberating, the jury returned a verdict for \$2.3 million, significantly less than the \$5 million policy limits and the estate's ask to the jury.

Muse and Connell Win Motion to Dismiss on Failed Service of Process

Dirk Muse (Of Counsel-Seattle) and Erik Connell (Of Counsel-Seattle) had a motion to dismiss granted in the District Court of King County, Washington, in a slip and fall claim against Wilson Elser's client, an international commercial real estate company. The plaintiff alleged injuries arising from a slip and fall in a shopping mall owned by our client. While the plaintiff filed the case within the three-year statute of limitations, she failed to serve the summons and complaint within Washington's 90-day tolling period. Dirk and Erik filed a motion to dismiss based on the lack of timely service. Despite the plaintiff's arguments of waiver and equitable estoppel, the judge granted Wilson Elser's motion, resulting in dismissal.