



## Elizabeth Elkington

Of Counsel

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Portland, OR – 971.352.3029

Elizabeth Elkington is a civil litigator who handles a wide array of commercial litigation. She serves various clients that range in size from large corporations to local businesses. Elizabeth has extensive litigation experience including matters in state and federal courts, arbitrations throughout the country, administrative law proceedings, mediations, depositions, and trials. She has served as both local and national counsel and enjoys building longer-term relationships with her clients.

### **Transportation**

With more than 10 years in the automotive industry, Elizabeth is well versed in transportation matters. She applies this knowledge to cases involving product liability, personal injury, and toxic torts.

### **Product Liability**

Elizabeth has defended companies regarding many types of product liability claims across various industries including automotive, medical devices, and many other consumer goods.

### **Toxic Torts**

Elizabeth represents product manufacturers, distributors, landlords, and real estate management teams in a wide array of toxic torts litigation. Her experience includes asbestos, silicosis, carbon monoxide, and toxic mold exposure claims.

### **Professional Liability**

Elizabeth has successfully defended several professional liability matters in the financial, legal, insurance, and medical fields.

### **Contract Disputes**

While contracts are meant to dissuade litigation, there are times when contract disputes

### **Services**

- Product Liability, Prevention & Government Compliance
- Commercial Litigation
- Transportation
- Engineered Stone

arise. Elizabeth has handled many types of contract disputes including manufacturing agreements, business dissolutions, noncompetes, employment contracts, independent contractor agreements, indemnity claims, warranty claims, and temporary restraining orders.

### **Strategic Planning**

With an extensive litigation background, Elizabeth knows how to assess potential litigation claims. She has worked with many companies in forming litigation plans, budgets, and contract reviews. As a former legal operations manager, Elizabeth has consulted with various companies to streamline their in-house legal teams and improve workflows.

### **Labor and Employment**

Elizabeth started her professional career working with labor unions as well as consulting regarding employment-related issues. She has worked on both transactional and litigation matters involving both labor relations and employment matters.

### **Insurance Defense**

Elizabeth works on various insurance defense matters across many industries. She has successfully represented many different clients and reached early resolutions on cases using motions to dismiss, motions for summary judgment, and pre-litigation dispute resolution.

### **Education**

- Willamette University College of Law (J.D., 2015)
- Saint Mary's College of California (B.A., 2012)

### **Bar Admissions**

- Oregon
- Washington

### **Clerkships**

Judicial Law Clerk for the Honorable Patricia McGuire, Oregon 4th Judicial District Circuit Court

### **Professional Affiliations**

- Oregon Women Lawyers (OWLS); OWLS Advance Sheet Writer
- Multnomah County Bar Association
- Women in Insurance and Finance
- Oregon Association of Defense Counsel
- PDX Women in Tech
- Oregon Department of Energy Grant Review, Volunteer
- Imprint Program Mentor, Volunteer

- Saint Andrews Legal Clinic, Volunteer
- Allies in Change, Board Member

### **Awards & Honors**

- Selected for inclusion in *The Best Lawyers in America® Ones to Watch™*, 2023, 2026
- Selected for inclusion in Super Lawyers® Rising Stars,™ 2023

## **Client Wins**

### **Elkington Overturns Default and Secures Dismissal of All Claims for Adjuster Client**

Elizabeth Elkington (Of Counsel-Portland, OR) secured summary judgment in the U.S. District Court, District of Oregon, for Wilson Elser's insurance adjuster client. This case came to the firm's Portland office on an Order of Default, as the plaintiff had moved for a default order but had not pursued a default judgment. Elizabeth successfully overturned the default order, allowing the case to proceed on the merits.

This matter arose after a tree struck the plaintiffs' home during a windstorm. The plaintiffs filed an insurance claim and retained our adjuster client to facilitate their claim with the insurer. Although the client secured substantial sums on their behalf, the plaintiffs claimed the funds were insufficient to complete the home repairs. They sued our client for breach of contract, failure to mitigate damages, and breach of fiduciary duty. The court rejected each claim. It found that the plaintiffs breached the contract, not our client, by failing to pay for services rendered, and that the hired adjuster had indeed secured sufficient funds to repair their home. The court further held that failure to mitigate damages is not a standalone cause of action under Oregon law and therefore dismissed that claim. Finally, the court determined that there was no breach of fiduciary duty because our client adjusters were not fiduciaries. Accordingly, the court granted judgment as a matter of law in our client's favor and dismissed the case in its entirety on our motion for summary judgment.