



## Erik Connell

Of Counsel

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Seattle, WA – 206.709.5886

Erik Connell handles civil litigation and professional liability matters and represents corporate clients in employment disputes and complex commercial matters. He helps resolve litigation for his clients and assists in their day-to-day legal issues.

Erik joined Wilson Elser from a mid-size civil litigation firm in Seattle, where he handled professional liability, wrongful death, construction defect, medical malpractice, employment law, worksite injury, legal malpractice, mold exposure and personal injury matters. Erik served as an extern for the Honorable John Erlick, King County Superior Court Seattle, Washington. He also served in the Peace Corps in Swaziland, Africa, where he was a Community Health HIV/AIDS educator, organizing large events focused on HIV/AIDS prevention education in a rural community, and started an after-school boys club at a local high school.

### Education

- Seattle University School of Law (J.D., 2013)
  - cum laude; Seattle University Law Review; CALI Award in Advanced Constitutional Law: Political Process and Political Participation
- University of Puget Sound (B.A. Politics and Government, 2007)

### Bar Admissions

- Washington

### Court Admissions

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

### Services

- Commercial Litigation
- Complex Tort & General Casualty
- Construction
- Employment & Labor
- Professional Liability & Services
- Aviation & Aerospace
- Lawyers' Liability
- Medical Malpractice & Health Care

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

### **Professional Affiliations**

- Washington State Bar Association
- Washington Defense Trial Lawyers Association
- Fix Democracy First, Board of Directors

## **Representative Matters**

Prevailed on a summary judgment motion in Pierce County Superior Court. The plaintiff alleged that she fell on a temporary asphalt patch in a public crosswalk. The client had contracted to install a permanent asphalt patch on the subject crosswalk, but had not yet performed the work. The plaintiff alleged that the contractor owed a duty to her as a possessor of land because it was entitled to enter the land. The court held, however, that it owed no duty to the plaintiff because it did not possess the land, as it had not yet occupied the land, and the land in question was a public crosswalk.

Participated in nine-figure personal injury case with more than 70 plaintiffs. Deposed both damages and liability expert witnesses, plaintiffs, and friends and family witnesses. Oversaw creation of pre-trial materials, including ER 904 submissions and objections, jury instructions and motions in limine. Supervised large-scale discovery responses.

Settled automobile accident trial with fault admitted. The plaintiff settled mid-trial for a fraction of the defendant's offer of judgment after Mr. Connell successfully prevented the plaintiff from introducing any evidence of damages.

Secured jury verdict in an automobile accident trial with fault admitted. The jury returned a verdict that was lower than the defendant's last pre-trial offer to the plaintiff.

Obtained judgment in an automobile accident trial with disputed fault. The defense obtained judgment as a matter of law after the plaintiff rested her case, successfully arguing that the plaintiff had failed to adequately introduce evidence of damages on which the jury could base an award.

Obtained summary judgment dismissal for the dog owner in a dog bite case. The plaintiff alleged theories of attractive nuisance, negligence, and Washington State's dog bite liability statute.

## **Client Wins**

### **Connell Saves Client More than \$1.7 Million in Labor and Industries Appeal**

Erik Connell (Of Counsel-Seattle, WA) successfully defended an enterprise workplace solutions client that had its employees incorrectly classified as warehouse operations workers by the Washington State Department of Labor and Industries. Erik appealed the

decision, arguing that the workers were properly classified as letter service shops employees, a risk classification with a significantly lower premium. The revenue agent that heard the appeal agreed, reducing the premiums from \$1,667,509.31 to \$476,238.63. Erik even convinced the Washington State Department of Labor and Industries to waive the assessed \$333,499.00 in penalties and \$284,072.54 in interest, saving the client a total of \$1,781,833.70.

### **Connell Secures Summary Judgment for Storage Unit Client That Turned Over 1,387 Pounds of Suspected Marijuana to Police**

Erik Connell (Of Counsel-Seattle, WA) won summary judgment for our client storage unit company that discovered more than a thousand pounds of suspected marijuana when it entered the plaintiff's storage unit after he failed to pay rent. It notified police, and the contents of the unit were confiscated and destroyed. The plaintiff sued our client for breaching its contract with him by entering his storage unit and turning over what he alleged to be \$26 million worth of hemp to police. The plaintiff further alleged that our client failed to comply with both Washington's preliminary lien notice and final notice of lien sale statutes when notifying him of his unpaid rent, alleging technical violations of both statutes. Erik moved for summary judgment. The court held that whether our client complied with these statutes was of no consequence, as it did not sell the contents of the unit; it turned them over to the police. The court held that storage unit company employees were reasonably concerned that storing 1,387 pounds of what they suspected to be marijuana would open them up to criminal liability. The standard in the contract was that the company could not act with gross negligence, but the court went further to hold that company employees did not even act with ordinary negligence in turning over the alleged hemp to police.

### **Connell Obtains Favorable Result at Arbitration for Medical Transport Client**

Erik Connell (Of Counsel-Seattle, WA) obtained a favorable result in an arbitration in Yakima County, Washington, in an automobile accident case against Wilson Elser's client, a non-emergency medical transportation company. The plaintiff alleged injuries arising from the accident, and fault was admitted. The plaintiff originally alleged \$21,188 in medical bills to the Arbitrator, but lowered this amount to \$14,084 after Erik argued that the plaintiff was disallowed from claiming most of the medical bills. The plaintiff asked the Arbitrator for \$101,406. The Arbitrator awarded \$14,930. The claims adjuster had offered the plaintiff's counsel \$35,000 prior to arbitration.

### **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.