



Scott Seidman

PARTNER

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LEGAL SERVICES

Appeals

Antitrust Advice & Advocacy

Labor & Employment Advice

Employment Litigation

EDUCATION

J.D., University of Illinois, 1981
Order of the Coif

M.A., University of Illinois, 1978

B.A., *magna cum laude*, University of
Illinois, 1975

BAR & COURT ADMISSIONS

Oregon State Bar

State Bar of California

Washington State Bar Association

U. S. Supreme Court

Court of Appeals for the 9th Circuit,
the 7th Circuit, the 2nd Circuit and the
Federal Circuit

U.S. District Courts for the District of Oregon,
the Western District of Washington, and
the Northern, Central, Southern and
Eastern Districts of California

AWARDS & RECOGNITION

The Best Lawyers in America

2013-2019, Commercial Litigation

2015-2019, Litigation – Labor &
Employment Law

PROFESSIONAL MEMBERSHIPS

Multnomah Bar Association

Oregon Association of Defense Counsel

American Bar Association, Antitrust, Labor
& Employment, Litigation Sections

Scott handles business disputes for clients at trial and on appeal. His areas of expertise include antitrust, labor and employment, energy, and tax law disputes. He also counsels businesses in labor and employment and antitrust compliance.

Clients rely on Scott to prosecute or defend critical “bet-the-company” business disputes. They also depend on Scott to advise them on cutting edge antitrust and labor and employment compliance issues.

Representative Matters

Antitrust & Trade Regulation

Evergreen Helicopters, Inc. v. Erickson Air-Crane Inc. (USDC for the District of Oregon) — Won partial summary judgment in case alleging Sherman Act § 2 monopoly leveraging and refusal to deal claims, as well as breach of contract claims, remaining claims settled to the parties’ satisfaction.

Helicopter Transport Services, Inc. v. Erickson Air-Crane Inc. (USDC for the District of Oregon) — Won partial summary judgment in case alleging Sherman Act § 2 monopoly leveraging and refusal to deal claims, as well as breach of contract claims, remaining claims settled to the parties’ satisfaction.

Estey & Associates, Inc. v. McCulloch Corporation et al. (USDC for the District of Oregon) — Won defense judgment against claims for conspiracy, monopolization, and price discrimination.

Chilton Air Cooled Engines, Inc. v. Omark Industries, Inc. (USDC for the Middle District of Tennessee) — Won dismissal of all but one claim alleging various conspiracy and other trade regulation claims, remaining claim settled favorably to our client.

Continental Maritime, Inc. v. Northwest Marine Iron Works et al. (USDC for the Northern District of California) — Won summary judgment, affirmed on appeal, against shipyard/union conspiracy claims regarding diversion of ship repair business.

Appellate Cases

Washburn v. Columbia Forest Products, Inc., 340 Or 469 (2006) — Judgment for our employer-client was affirmed in a disability discrimination case asserting that Oregon employers have an obligation to accommodate medical marijuana use. The Oregon Supreme Court established for the first time that Oregon disability law takes mitigating measures into account to decide whether an employee is disabled and entitled to disability protection.

Public Power Council, Inc. v. Bonneville Power Administration, 443 F. 3d 1204 (9th Cir. 2006) — In an appeal by public utilities challenging a uniform rate adjustment implemented across all customer classes, the Ninth Circuit upheld the BPA action. It rejected arguments that the rate increases should have been imposed only on non-public, investor- owned utilities, including our client, Portland General Electric Company.

COMMUNITY INVOLVEMENT & ACTIVITIES

Oregon State Bar

Antitrust Section Executive Committee –
Past Member, Past Chair
Legal Services Program Committee –
Past Member, Past Chair

Oregon State Bar Litigation Journal

Editorial Board, Past Member

American Bar Association

Antitrust Section – Internet
Committee Member

YMCA of the Columbia-Willamette

Past Board of Management

American Trucking Associations, Inc. v. Oregon Dept. of Transport., 339 Or 554 (2005), cert. denied, 126 S.Ct. 2960 (2006) — We represented the AAA Oregon/Idaho defending attacks by the American Trucking Associations against Oregon's heavy truck tax system. The Oregon Supreme Court held that the tax did not violate the Commerce Clause of the U.S. Constitution.

Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004) — The Ninth Circuit upheld an injunction entered in favor of our client, Nike, against an employee who tried to move to Nike competitor, Reebok. The court decided when a bona fide advancement occurs, an issue of first impression under Oregon law. The decision established a “totality of the circumstances” test favorable to employers who wish to bind employees to non-compete agreements upon promotion.

Employment Law Issues

Indergard v. Georgia-Pacific Corporation, 582 F.3d 1049 (9th Cir. 2009) — Establishing standards for when a return to work performance test constitutes a medical examination subject to the requirements of the Americans with Disabilities Act.

Townsend v. Nike, Inc., 2007 WL 1493139 (9th Cir. 2007) — Jury verdict in favor of our employer-client was affirmed in case alleging that Nike had failed to promote plaintiff because of his race.

Georgia-Pacific Gypsum LLC v. Teamsters Local 117 et al. (USDC for the Western District of Washington) — Won summary judgment vacating a labor arbitration award that had reinstated an employee terminated for failing a random drug test, under a collective bargaining agreement providing for termination for all failed drug tests.

McCall v. Dynic USA Corporation, 138 Or. App. 1 (1995) — Affirming summary judgment in a worker's compensation discrimination case on the ground that issue preclusion applied to a determination in a worker's compensation proceeding that plaintiff had been fired for refusing to perform work within her restrictions, rather than for discriminatory reasons.

Blackthorne v. Vanstar Corporation (USDC for the District of Oregon) — Obtained summary judgment dismissing various claims with punitive damage potential, remaining claims settled favorably to our client.

Presentations & Publications

Scott has authored numerous articles on antitrust, litigation, and labor and employment issues and has spoken frequently at antitrust and labor and employment continuing legal education programs.

