



Frank Weiss



PARTNER

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503.802.2051 direct

LEGAL SERVICES

Insurance Recovery

Contract & Commercial Disputes

Products Liability & Complex Torts

EDUCATION

J.D., *cum laude*, University of California,
Hastings College of the Law
Order of the Coif

B.S., University of Oregon

BAR & COURT ADMISSIONS

Oregon State Bar

State Bar of California

U.S. Court of Appeals, 9th Circuit

U.S. District Court, District of Oregon

U.S. District Court, Northern, Southern
and Central Districts of California

AWARDS & RECOGNITION

The Best Lawyers in America

2013-2022, Commercial Litigation

2018-2022, Insurance Law

Martindale-Hubbell

AV Preeminent

PROFESSIONAL MEMBERSHIPS

Multnomah Bar Association

American Bar Association

Federal Bar Association

COMMUNITY INVOLVEMENT & ACTIVITIES

Mt. Scott Learning Center

Board Member

Oregon State Bar

Disciplinary Board, Member

Legal Ethics Committee, Former Member

Frank's practice emphasizes complex commercial litigation, including insurance coverage, and product liability matters. His experience includes trial work in federal and state courts, as well as in private arbitration and mediation. He also regularly advises corporate policyholders with respect to the scope and availability of insurance coverage, the presentation of insurance claims, and the negotiation of settlements with insurance companies. Frank's clients include regional and national entities involved in disputes in Oregon and across the country. He also serves as the firm's General Counsel.

Prior to joining Tonkon Torp, Frank was an associate at Thelen Reid & Priest in San Francisco.

Representative Matters

Obtaining a defense verdict as lead trial counsel for a large public company following a seven week jury trial relating to liability for environmental contamination at three superfund sites, including the Portland Harbor, and over 1,200 asbestos claims.

Obtaining a nearly four-million dollar arbitration award in a dispute involving the sale and installation of a defective material-handling system.

Defeating a multi-million dollar claim in a federal court jury trial arising out of the termination of a distribution agreement.

Prevailing on summary judgment in Oregon Federal District Court establishing entitlement to insurance coverage for a multi-car train derailment.

Favorably resolving federal court lawsuits arising out of train derailments occurring in Nebraska, Kansas, and Wyoming.

Successfully defending a large publicly-traded company against a claim of over \$100,000,000 for breach of an endorsement and licensing agreement. This matter was tried in a private arbitration in which Frank was one of the three primary trial lawyers representing the defendant.

Prevailing on summary judgment against a nearly \$15,000,000 claim arising out of a train derailment and upholding the judgment on appeal.

Successfully defending clients against a trade secret misappropriation claim and defeating the plaintiff's motion for a preliminary injunction.

Obtaining a preliminary injunction enforcing a client's right of first refusal in its endorsement contract with an NFL quarterback.

Successfully defending a large publicly-traded company in a breach of warranty action involving sophisticated point-of-sale equipment.

Multnomah Bar Association

Professionalism Committee,
Former Member

American Bar Association

Insurance Coverage Litigation Committee
Former Vice-Chair

Multnomah County Lawyers'

Professional Responsibility Committee
Former Member

Obtaining summary judgment against dissenter's rights and breach of fiduciary duty claims seeking nearly \$3,000,000.

Recovering several million dollars in settlement of an insurance coverage action seeking coverage for asbestos claims filed across the country.

Presentations & Publications

"Court Decision Favors Businesses Claiming Insurance Coverage for COVID-Related Losses,"
Tonkon Torp Legal Update, August 2020

Podcast, A Mediator's Round (Kitchen) Table:
Insurance Coverage for COVID-19 Claims,"
Schulwolf Mediation, April 2020

"Business Interruption Insurance and COVID-19:
Tender Your Claim," Tonkon Torp Legal Update,
April 2020

"Will Business Interruption Insurance Cover
Coronavirus-Related Disruptions?" Tonkon Torp
Legal Update, March 2020

"Maximize Your Insurance ROI: A Proactive
Approach to Insurance Pays Off," Association of
Corporate Counsel of Oregon Newsletter, January
2019

"Insurance 101," Northwest Insurance Law Seminar,
The Seminar Group, October 2018

"Litigation — The Good, the Bad and the Ugly,"
University of Oregon, November 2016

"Commercial & Cyber Insurance," October 2016

"Indemnity Provisions & Principles: Traps for the
Unwary," Oregon State Bar Business Law Section,
June 2016

"Contract Boilerplate and Oregon Common Law,"
OSB Business Law Section, Annual Seminar,
November 2015

"Manage Insurance Coverage Like Risks," Daily
Journal of Commerce, September 2012

"Surviving Winter: The Ninth Circuit Reaffirms the
'Serious Questions' Test for Injunctive Relief,"
Litigation Journal, 2011

"Think Twice Before Accepting an Assignment of
Insurance Rights," Litigation Journal, 2007

