



**B. Scott Whipple**  
Attorney at Law

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## Professional Experience

Prior to co-founding Whipple & Duyck, P.C. in February 2007, Mr. Whipple was a shareholder at Schwabe, Williamson & Wyatt, P.C., Oregon's second largest law firm. Subsequently, Mr. Whipple has continued his expertise in many types of civil cases, including business disputes, real estate disputes, commercial litigation, tort claims and securities litigation. He is well versed in litigation, representing plaintiffs and defendants in arbitration and in both federal and state courts in Oregon and Washington. In recognition of his professional achievement, Mr. Whipple's peers recognized him as a "Super Lawyer," a designation that is given to only to the top five percent of all lawyers in Oregon.

## Sample Trials & Arbitrations

- After three day arbitration, successful prosecution of claims for defamation and to expunge defamatory statement from employee's permanent employment record. (FINRA arbitration).
- After seven day jury trial, successful defense of a \$500,000 claim for alleged fraud and alleged violations of Oregon mortgage laws. (Clackamas County Circuit Court).
- After six day jury trial, successful prosecution of claims for intentional interference of economic relations and defamation. (Washington County Circuit Court).

## Representative Cases

- Business Disputes: Represents business owners and individuals in a wide variety of disputes including: breaches of contract; shareholder / member / partner disputes; business "divorces"; commercial matters; interference with business relations; breaches of fiduciary duties; breaches of duty of loyalty; and more.

### Examples of Cases:

- Prosecution of claims relating to an improperly manufactured component of an ethanol plant;
- Defended partnership against claim for capital account;
- Represent member involving claims among members of a limited liability company;
- Prosecution of breach of promissory note;
- Prosecution of claims for breach of management agreement;
- Defend assignor against claim for alleged breach of assignment of purchase and sale agreement;
- Defend against claim of shareholder liability;
- Both defend and prosecute claims for alleged breach of distribution agreement;
- Defend breach of contract based on plaintiff's failure to provide goods as specified in the contract;
- Defend against claim for alleged violation of Oregon mortgage laws;
- Represent managing member in efforts to collect capital from LLC members;
- Represent lenders in workout of borrower in receivership;
- Prosecute claims for violation of partnership agreement;

- Defend guarantors in action brought by lender;
  - Prosecution of claims related to security agreements;
  - Defend against constitutional claims relating to government body's termination of contract; and
  - Prosecution of claim for client's failure to pay fees.
- **Real Estate Disputes:** Represent business owners, property owners, developers, lenders, mortgage brokers, buyers, sellers, landlords, tenants, homeowners and others with respect to various business and real estate disputes, involving: breach of sale contract; funds in escrow; management agreements; tenancy in common agreements; enforcement of CCRs; commercial leases; residential leases; and more.

**Examples of Cases:**

- Represent landlord in commercial eviction proceedings;
  - Defend seller against claim that seller did not honor purchase option;
  - Prosecute claim for rescission of condominium purchase and sale agreement;
  - Defend against claim for partition of farm;
  - Represent mortgage holder in dispute over legal interest in real property;
  - Prosecute claim for declaratory judgment pertaining to real property;
  - Prosecute homeowners' right to intervene into litigation regarding future governance of a planned community; and
  - Defend owner if foreclosure proceedings;
  - Prosecute landlord claim for lessee's unlawful occupancy;
  - Represent part owner in defense of claim relating to operation and ownership of real property;
  - Defend homeowners' association against alleged breach of contract claim; and
  - Defend lessor against claims of alleged breach of lease.
- **Securities Litigation:** Represent plaintiffs and defendants in federal court, state court and arbitration, in a wide variety of disputes involving allegations of: violations of federal securities laws; violations of state securities laws; misrepresentations; fraud; negligence; unsuitable investments; negligent supervision; breach of contract; employment disputes; and more.

**Examples of Cases:**

- Prosecute violation of Oregon securities laws;
  - Prosecute claim for negligent tax advice in distribution of funds from retirement accounts;
  - Prosecute and defend claims relating to competition and trade secrets; and
  - Assist client in collection of funds resulting from award in prior securities arbitration.
- **Personal Injury & Torts:** Represent business owners and individuals in a wide variety of tort and personal injury claims involving allegations of: false and defamatory statements about individuals or products; negligence; infliction of emotional distress; automobile accidents; product defects; misrepresentations; fraud; conversion; and more.

**Examples of Cases:**

- Defend loan originators from alleged fraud claims;
- Prosecute claim for defamation of character;

- Prosecute claim for fraud against seller of real property;
  - Prosecute and defend claims related to the distribution of an estate;
  - Prosecute personal injury claims;
  - Defend battery and other related claims; and
  - Prosecute claim for breach of fiduciary duty.
- Employment Disputes: Represent businesses and individuals in: wage and hour claims; enforcement and negotiation of employment agreements; disputes and interpretation of non-competition provisions and non-solicitation provisions; allegations of employer liability for acts of employees; and more.  
**Examples of Cases:**
    - Multiple prosecution and defense for breach of non-competition provisions of employment agreements and claims under Oregon Trade Secrets Act;
    - Prosecute claim for employer's failure to pay retirement benefits;
    - Defend employer in BOLI proceedings;
    - Prosecute claim for violation of Oregon wage and hour laws;
    - Advise multiple clients on issues pertaining to employment agreements, specifically non-solicitation and non-competition provisions contained in employment agreements; and
    - Prosecute claim for employer's failure to abide by compensation agreements.
  - Negotiations: Significant experience representing businesses and individuals in a wide variety of settlements matters through direct negotiations and/or mediations.
  - Injunctive Relief: Significant experience both prosecuting and defending claims for temporary restraining orders, preliminary injunction and permanent injunctions in court and in arbitration.

## Professional & Community Activities

- Member of Oregon State Bar Association, Washington State Bar Association and Multnomah County Bar Association.
- Mr. Whipple has presented programs on the production of electronic discovery to both the Oregon State Bar and Multnomah County Bar Associations.
- Mr. Whipple is a member of the former Honorary Alumni Club of St. Andrew Nativity School, a private school for low-income middle school children.
- Mr. Whipple is a member of the "Second Chairs," a group of attorneys who practice commercial litigation in Portland and are committed to professionalism.
- Mr. Whipple drafted the legal documents for Bonny Slope Community Organization, Inc. ("BOSCO") (the PTA for the elementary school his sons attend) and obtained tax exempt status from the IRS and is the former Treasurer and current Secretary of BOSCO.
- Mr. Whipple coaches multiple youth basketball teams through the YMCA.
- Mr. Whipple played intercollegiate sports for Grinnell College and was the captain of both the varsity football and basketball teams his senior year.

## Education

- University of Oregon School of Law, Juris Doctor degree, Order of the Coif (top 10% of graduating class) (1998)
- Grinnell College, Bachelor of Arts degree in Economics (1990)

**Admitted to Practice**

- Oregon State Courts
- Oregon Federal Courts
- Washington State Courts
- Washington Federal Court, Western District
- Ninth Circuit Court of Appeals