

## Joshua L. Ross – Shareholder



Joshua Ross is the firm's co-managing shareholder. For over a decade, Josh has represented clients in a wide variety of civil matters, including complex business disputes, consumer and securities fraud actions, trust litigation, class actions, claims for breach of professional and fiduciary duty, and property and contract disputes. Josh is licensed in Oregon and Washington and practices in state and federal courts, as well as in court-mandated and private arbitration. Since 2011, Josh has served as an arbitrator for Multnomah County Circuit Court and he is also an arbitrator with Arbitration Service of Portland. Prior to joining Stoll Berne, Josh clerked for Hon. Rick Haselton at the Oregon Court of Appeals.

Community service is a fundamental component of Josh's work and life. He has represented victims of domestic abuse as a volunteer with the Legal Aid Domestic Violence Project since 2007. Josh currently serves on the Board of the Brian Grant Foundation, and from 2013-2016, Josh served a four-year term as a Region 5 member of the Oregon State Bar Board of Governors. In 2008, the Multnomah Bar Association awarded Josh the Haglund Pro Bono award and in 2010 he received the YLS Award of Merit. Josh also

volunteers with the Classroom Law Project, has served on numerous Multnomah Bar Association committees, and has volunteered to speak at continuing legal education seminars on topics such as electronic discovery, civil procedure, depositions, arbitration clauses, class actions, attorney fee petitions, ethics, volunteerism, and consumer fraud.

Josh was born and raised in Texas. Before law school, Josh lived in Jerusalem, Israel where he attended university, served in the Israel Defense Forces Paratroopers Brigade, and worked as a chef's assistant in a Moroccan restaurant. Josh's wife Racheli is a talented speech pathologist in a public school. He loves to ski with his two kids, Aviv and Shani.

### Representative Cases:

#### Class Actions:

- Represented class of former debtors against debt collection firm who allegedly attempted to collect, and in many cases actually collected, more money from class members than it was legally entitled to collect. A Federal District Judge in Portland approved a \$2.3 million settlement.
- Named class counsel for certified class of consumers in action against debt collection company that pursued collection of interest on debts, when it had no right to pursue interest.
- Named liaison counsel for injunctive class of health care providers pursuing claims against PPO organization for breach of contract. Claims settled before trial for \$11.3 million.
- Represents class of autistic health insurance plan beneficiaries in action seeking to prevent major health plan from denying coverage of ABA therapy. Court certified class and granted class

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Summary Judgment, finding that health plan violated federal and state law by denying beneficiaries coverage of ABA therapy.

- Represented proposed class of consumers alleging violation of Oregon and federal consumer statutes in action against national debt negotiation companies.
- Represented employees in action seeking class-wide recovery for major insurance carrier's failure to pay overtime under FLSA and state laws.

## Broker-Dealer Claims:

- Lead counsel in lawsuit on behalf of investors who claimed broker and national brokerage firm recommended unsuitable investment strategy, which resulted in significant losses of an inheritance. After trying the case in a four day FINRA arbitration, clients recovered full amount of damages sought.
- Lead counsel in lawsuit on behalf of former professional basketball player against client's former broker and brokerage firm after former broker defrauded the client by absconding with investment property. The broker agreed to return entire amount of investment plus interest within months of filing action. After the broker defaulted, claims against brokerage firm alleging improper supervision were tried in FINRA arbitration. Client awarded full amount of damages sought.

## Trust Litigation:

- Represented beneficiaries of family trust successfully to defeat efforts to amend trust in ways that would have harmed beneficiaries' future interests.
- Negotiated favorable settlement on behalf of beneficiary of family trust in lawsuit against trustee who improperly used trust assets for self-dealing.
- Negotiated favorable settlement on behalf of beneficiary of family trust in action alleging undue influence that resulted in amendment of trust and depletion of beneficiary's intended inheritance.

## Real Estate Disputes:

- Lead trial and appellate counsel in prosecution of adverse possession claim and defense of partition, partnership, and damages claims, relating to significant investment property. Following Summary Judgment motion, Court dismissed partnership claims in favor of our client. Following bench trial, Court granted our client's adverse possession claim - awarding our client full, sole interest in the property - and dismissed opposing party's claims entirely.

## Professional Malpractice:

- Negotiated favorable settlement in professional malpractice and securities fraud action against client's former accountant, who improperly recruited client to invest in a failed real estate venture.

## Securities/Fraud:

- Represented former NFL player who suffered significant losses from a purported investment in real estate. Client recovered full amount of investment prior to filing a lawsuit.
- Successfully represented real estate investment firm in two-week arbitration of multi-million dollar investment claims.
- Represents institutional client in securities fraud litigation against Fortune 500 company.

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- Negotiated favorable settlement of fraud-based claims against hedge fund and its general partner, and successfully defeated debtor's attempt to escape obligation through bankruptcy.
- Successful defense of fraud claims brought by group of investors against real estate investment firm; plaintiffs voluntarily dismissed all claims.

## **Breach of Contract:**

- Represented software developer in dispute with PaaS provider over failure to provide services as promised. Matter settled shortly after lawsuit was filed.
- Obtained substantial settlement for investor in action alleging breach of obligation to repay investment losses.
- Represented European manufacturer of fiber optic sensing equipment in dispute with third-party company that refused to provide technology as agreed.
- Represented consumers claiming major retail business breached obligations under warranty contract.
- Defense of real estate developer in breach of contract action arising from contractor's alleged failure to perform.
- Represented former employer with breach of fiduciary duty claims against administrator of employee retirement plan. Matter settled before lawsuit was filed.

## **Fraudulent Transfer:**

- Represented technology company in action against judgment-debtor alleging improper transfer of assets

## **Appellate:**

- Successfully defended a judgment obtained for Stoll Berne's client in a title dispute over a significant investment property. The trial court awarded Stoll Berne's client a full interest in the property and denied the plaintiff any interest. The plaintiff appealed to the Oregon Court of Appeals. In January 2017, the Court of Appeals affirmed the trial court's decision in full. The plaintiff then asked the Oregon Supreme Court to review and on June 1, 2017, the Court issued an order denying the plaintiff's request for further review. With the Supreme Court's order, the trial court's ruling in favor of Stoll Berne's client is final.
- Argued before and drafted several briefs filed with Oregon Court of Appeals.
- Drafted several briefs filed with the Oregon Supreme Court.
- Assisted Oregon Department of Justice on successful appeal that established securities "fraud on the market" doctrine in Oregon.

## **Speaking Engagements and Articles:**

- Has presented at continuing legal education seminars and written articles on topics such as arbitration clauses, attorney fee petitions, depositions, electronic discovery, Unlawful Trade Practices, ethics, and volunteerism.

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## Professional Experience:

- Stoll Berne; associate, 2005-2012; shareholder, 2012-present
- Hon. Rick T. Haselton, Oregon Court of Appeals; judicial law clerk, 2003-2005

## Education:

- Lewis and Clark Law School, J.D., *cum laude*, 2003
- University of Texas at Austin, B.A., with Honors

## Admitted to Practice:

- Oregon State Bar, 2003
- Washington State Bar, 2008
- United States District Court, Oregon
- United States District Court, Western District of Washington
- Ninth Circuit Court of Appeals

## Recognition:

- Multnomah Bar Association - YLS Award of Merit, 2010
- Michael E. Haglund Pro Bono Award, 2008
- Recognized as "Outstanding Partner" by Lewis and Clark First Year Mentor Program, 2009
- *Daily Journal of Commerce* "Up and Coming Lawyers," 2010
- *Oregon Super Lawyers*, 2016 (top 50), 2015 (top 50), 2014, 2013; "Rising Star" 2012, 2011, and 2010
- Best Lawyers in America, 2017
- Multnomah Bar Association Pro Bono Honor Roll

## Professional Activities:

- Oregon State Bar
  - Board of Governors, 2013-2016
  - Region 5 Delegate to Oregon State Bar House of Delegates, 2009-2012
  - Consumer Law Section Executive Committee, 2009-2012; Treasurer, 2011-2012
  - Fellow, Oregon State Bar Leadership College, 2010
  - OSB/OJD Task Force on Oregon eCourt Implementation, 2008-2009
- Washington State Bar
- Multnomah County Circuit Court, Arbitrator, 2011-present
- Multnomah Bar Association
  - Equality Committee, 2010-present
  - 2011 OSB Convocation on Equality, Chair, Recognition Sub-Committee
  - Futures Committee, 2008-2010
  - Young Lawyers Section Service to the Public Committee, 2006-2008
  - Co-chair, Imprint Program, 2007-2008
- Oregon Women Lawyers
- Oregon Trial Lawyers Association

## Community Activities:

- Volunteer Attorney, Legal Aid Domestic Violence Project
- Congregation Havurah Shalom, Steering Committee and Corporate Secretary
- Volunteer Judge, Classroom Law Project
- Former Volunteer Coach, Classroom Law Project High School Mock Trial Competition
- Former "Big Brother" with Big Brothers Big Sisters of Metropolitan Portland