



EMILIA L. SWEENEY

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Emilia L. Sweeney joined Carney Badley Spellman in July 2008. Ms. Sweeney focuses her practice in complex litigation involving insurance, deceptive and unfair business practices, and trade secrets. She has also litigated a broad array of product and products liability suits, and has represented small businesses and large institutions alike in individual suits, mass tort and class actions. She has obtained a successful result at trial in more than 80% of all cases tried.

Ms. Sweeney also advises clients who manufacture or sell consumer products in the U.S. on compliance with rules and regulations governed by the Consumer Product Safety Commission, the Federal Trade Commission and the Food and Drug Administration. She assists manufacturers and retailers in pre-launch product audits, including advertising and labeling review, product recalls, and in developing risk management strategies to ensure compliance with federal regulations.

Ms. Sweeney is a past president of the Washington Defense Trial Lawyers, and a past chair of the CLE committee for the International Association of Defense Council.

Ms. Sweeney regularly provides industry-specific training seminars for insurance, retail and manufacturing clients, and has testified before the Washington House and Senate subcommittees on matters affecting the insurance industry and civil judgments. She has appeared on local television news to speak about regulations affecting consumer products, the food industry and tort litigation, and has been quoted in the Puget Sound Business Journal.

Honors and Recognitions

Ms. Sweeney was selected a Super Lawyer in 2014, and has been named a Super Lawyer every year since. She has been listed in the *Super Lawyers Women's Edition* and the *Super Lawyers Business Edition*. She has been recognized by *Seattle Metropolitan Magazine* as one of King County's "Top Lawyers" and was given an "AV" Preeminent rating by *Martindale-Hubbell*. She has been awarded the Exceptional Performance Citation, 2010-2011, by the DRI and she is rated "superb", the highest rating given by AVVO.

Representative Matters

Successfully defended a manufacturer in a trade secret infringement case by trying the case to verdict and obtaining a verdict less than what was demanded in settlement.

Successfully defended a fiber cable operator from claims for breach of a most favored customer clause and unfair business practices brought by a large telecommunications company.

Education

JD, University of California
Hastings College of the Law,
1988

BA, University of Puget Sound,
1979

Bar and Court Admissions

State of Washington

State of California

Quileute Tribal Bar

Professional Associations

Washington Defense Trial
Lawyers, past president

Washington Biotechnology and
Biomedical Association,
Education/Work Force/Public
Understanding Task Force,
former member

International Association of
Defense Counsel

King County Mandatory
Arbitration Program, arbitrator

Community Involvement

Parent Trust for Washington
Children, former member board
of directors

Seattle Audubon Society,
Member, Urban Habitat
Committee. Distinctions

Washington State Bar
Association, Pro Bono Public
Service Commendation

Big Brothers Big Sisters, former
Big Sister

Junior Achievement Program,
lectured Junior High students

Acted as local counsel in successful defense of putative class action against insurer for alleged violations of Consumer Protection Act.

Testified as an expert in Washington law involving trade dress infringement.

Successfully negotiated, as part of a team, a favorable settlement for an international charitable organization client that prevented threatened litigation by the State Attorney General without the payment of money or adverse action, based upon persuasive statutory interpretation.

Saved half a million dollars in interest for an insurer in a single matter based on a novel interpretation of a new statute, affirmed on appeal.

Obtained defense verdict while defending a local business against a complaint of product disparagement, defamation and interference with contractual relations.

Obtained favorable verdict for U.S. subsidiary of international manufacturer of machinery and equipment for the marine and offshore oil industries in a product liability suit.

Successfully defended former officer of local business against claims of breach of fiduciary duty, and obtained favorable verdict for that same officer in a breach of contract counter-claim against the company.

Obtained reversal for domestic insurer in an insurance bad faith suit at the intermediate appellate court level following jury trial.

Successfully represented pro bono clients in their applications for asylum and withholding from removal.

Advised foreign manufacturers on compliance with federal regulations prior to sale of the product in the U.S., including those regulations governed by the Federal Trade Commission and Consumer Product Safety Commission.

Regularly advises manufacturers, retailers and promotional merchandisers regarding compliance with the Consumer Product Safety Improvement Act of 2008.

Regularly advises publicly traded Fortune 500 retailers on compliance with the Consumer Product Safety Act and Food, Drug and Cosmetic Act.

Advises publicly traded online and catalog retailer on compliance with the Textile and Wool Acts and the Consumer Product Safety Act.

Advised start-up company on labeling, promotion of consumer device to ensure compliance with the Fair Packaging and Labeling Act, the Food, Drug and Cosmetic Act and decisional law regarding false advertising.

Advised local business exporting goods overseas on compliance with the European Union directive Restriction on Hazardous Substances, or RoHS.

Publications

"Two Cures or An Ounce of Prevention: Forum non conveniens and lack of personal jurisdiction or an enforceable forum selection clause," IADC Annual Meeting, July 6, 2014

"Update on New Product Requirements for Children's Products," Multi-Channel Merchant, December 12, 2008

"Are You Compliant With the New Product Safety Act?," Multi-Channel Merchant, November 6, 2008

"Breaking Up is Hard to Do: The Fiduciary Duties that Bind Corporate Directors Through Resignation, Termination or Dissolution," American Bar Association Annual Meeting, August 4-19, 2007

"Don't Let Others Tattle On You: Report Your Unsafe Products To The Consumer Product Safety Commission," first printed in Multi-Channel Merchant, February 6, 2007, reprinted in Industry Week, February 14, 2007

"Managing the RoHS Risk," Co-author, Advanced Packaging Online Article (PennWell), May 2006

"Unfair Trade Practices: A Compendium of State Law," Defense Research Institute, Washington chapter, 2005

"Drug, Device and Biotech: Reporting Noncompliance with the Poison Prevention Packaging Act," International Association of Defense Counsel Newsletter, September 2005

"The Class Action Fairness Act's Impact on State Consumer Protection Laws," Co-author, Defense Counsel Journal, July 2005

Seminars/Speaking Engagements

Named Faculty, IADC Trial Academy, Stanford Law School, July 30-August 5, 2016

Panelist, "Power Over Me? Personal Jurisdiction, Forum Non Conveniens and Choice of Law Issues That Arise in International Business Disputes," IADC Annual Meeting, Vienna, Austria, July 2014

Panelist, "Insurance Bad Faith," Property and Casualty Insurers Association of American Annual Legislative Conference, Chicago, Illinois, November, 2010

Speaker, "Washington's Consumer Protection Act Update," Judicial Brown Bag Seminar, September, 2010

Panelist, "Consumer Product Safety Improvement Act of 2008; Reporting, Tracking and Labeling Requirements: Compliance and Practical Application for Retailers and Manufacturers," International Association of Defense Counsel Webinar, December 2009

Panelist, "Consumer Product Safety Improvement Act Jeopardy!," International Association of Defense Counsel Annual Meeting, Colorado Springs, Colorado, July 2009

Panelist, "Wild, Wild West: Coverage Analysis and Claims Handling in Washington State," New York, New York, May 2009

Panelist, "The Insurance Fairness (sic) Conduct Act," Professional Insurance Agents of Washington/Alaska, Annual Conference, June 2008

Panelist, "R-67 (Insurance Fair Conduct Act) CLE," Snohomish County Bar Association, May 2008

Panelist, "Broad REACH - Navigating the Complex Seas of International Chemical Regulation," Northwest Environmental Conference, Portland, Oregon, December 2007

Panelist, "Business Divorce: Ending the Relationship and Getting the House," American Bar Association Annual Meeting, San Francisco, California, August 2007

Panelist, "Toxic Tort and Environmental Litigation: Legal Developments of Significance During the Last Year and Trend Predictions for the Next Year," International Association of Defense Counsel Annual Meeting, Bermuda, July 2007

Speaker, "Woo vs. Fireman's Fund Ins. Co.," Washington Defense Trial Lawyers' Annual Insurance Law Update, April 2006

Speaker, "Managing the Risk and Building the Defense in the RoHS/WEE World," seminar hosted by Washington Manufacturing Services, December 2005

Speaker, Litigation and Insurance Law Seminar, "Cans of Worms and the Products Liability Update," 1999

Speaker, Washington Defense Trial Lawyers Seminar, "Can You Keep Skeletons in the Closet? When You Produce Similar Claims How do You Prevent Their Use at Trial?," 1997

Speaker, Litigation and Insurance Law Seminar, "How to Split the Pie Without Getting Creamed: Contribution Under the Tort Reform Act," 1994