



Sean R. McClendon

ATTORNEY

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My Assistant

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Sean's practice focuses on civil litigation involving complex injury, commercial and business disputes, employment and labor issues, real property disputes, regulatory matters, and property damage claims. He assists clients on all aspects of litigation management, as well as providing trial support services.

Sean's litigation and trial support services include discovery supervision, fact investigation and development, drafting pleadings, legal research and writing, motion practice (such as, drafting discovery motions, motions against pleadings, and dispositive motions), drafting trial motions and other submissions (including, trial memoranda, jury instructions, motions in limine, motions to exclude expert testimony, motions for directed verdict, and other supplemental trial briefing), and supporting trial attorneys during the course of trial (including, operating trial technology, preparing demonstrative exhibits and timelines, and evaluating and addressing legal issues as they arise throughout trial).

Sean's discovery management services include counseling clients on the preservation, collection, review, and production of documents and electronically stored information, as well as, preparing privilege logs, overseeing document reviews, and managing e-discovery projects. He has experience with a broad range of e-discovery review platforms, including Everlaw, Summation, Introspect, and iPro Eclipse.

Industries

Railroad

Practices

Litigation

Education

B.A., Gonzaga University, cum laude
Political Science

J.D., University of Oregon School of
Law

Admissions

- Oregon State Bar

REPRESENTATIVE WORK

- Obtained summary judgment for national railroad carrier in a multi-million dollar third-party grade crossing case based on argument that the plaintiff's allegations of defective design and signalization of a railroad crossing were preempted under federal law. Summary judgment ruling was recently affirmed by the Oregon Supreme Court.
- Represented short line railroad in third-party lawsuit for contractual indemnity involving an underlying claim in excess of \$5 million. Following motions for summary judgment and mediation, third-party defendant and its insurer were convinced to accept full tender.
- Member of litigation team in a personal injury claim for damages allegedly suffered as a result of a software malfunction on a piece of heavy machinery. Won full indemnity on summary judgment against the third-party software designer and manufacturer based on product liability and contract theories.
- In two separately filed lawsuits involving a grade crossing accident, obtained dismissal of national railroad carrier from both lawsuits following the filing of summary judgment motions based on federal preemption under the Federal Railroad Safety Act (FRSA). The plaintiffs' allegations concerned alleged false activation of crossing gates. After reviewing the motions, and without filing a response, both plaintiffs voluntarily dismissed the railroad from their respective lawsuits.
- Assisted in the drafting of successful summary judgment motion in toxic tort case based on lack of personal jurisdiction pursuant to Daimler AG v. Bauman.
- Drafted summary judgment briefing, which resulted in the dismissal of railroad client based on the FELA's statute of limitations. Also consulted on, and assisted in, the drafting of appellate briefing related to appeal of this summary judgment ruling.
- Achieved partial summary judgment on behalf of a short line railroad in a multi-million dollar third-party grade crossing case based on argument that the plaintiff's allegations of inadequate train horn, as well as design and signalization of crossing, were preempted under federal law.
- Extensive experience drafting and defending discovery motions in state and federal courts in Oregon, Washington, and Idaho, including motions to compel, motions for protective order, and motions to quash.
- Drafted briefing in support of emergency relief actions, in the form of temporary restraining orders (TROs) and preliminary injunctions, in Oregon state and federal courts.

- Worked on, and was actively involved in, over 20 trials in state and federal courts in Oregon and Washington. Trial work has typically included drafting pretrial motions (such as, motions in limine, motions to exclude expert testimony, proposed special jury instructions), evaluating/responding to opposing counsel's trial briefing, in-trial legal analysis and supplemental briefing (such as drafting directed verdict motions and supplementary legal memoranda), witness and exhibit preparation, and attendance at trial to run trial technology and provide general trial support. Some of the trials worked on include:
 - Two separate complex injury trials, each lasting over 2-weeks, involving allegations of negligence under the FELA and strict liability under the Locomotive Inspection Act (LIA) related to various alleged defects with locomotives, including locomotive stairs and lighting, locomotive suspensions, locomotive seats, and excessive vibration. Defense verdicts on behalf of a national railroad carrier were achieved in each case.
 - Complex injury trial involving allegations of negligence against a local municipality related to alleged failures to maintain foliage and signalization at an intersection where the plaintiff's motor vehicle accident occurred. A defense verdict was obtained on behalf of municipality.
 - Employment action, involving claims of retaliatory discharge for filing an injury report. Favorable verdict was achieved on behalf of client.
 - 3-week complex injury trial involving allegations of negligence under the FELA and strict liability under the Federal Safety Appliance Act (FSAA) related to an allegedly defective pin lifter and coupler assembly on a railcar. A favorable verdict was achieved on behalf of railroad client.
 - 3-week complex trial involving allegations of negligence under the Federal Employers Liability Act (FELA) and strict liability under the Federal Railroad Safety Act (FRSA) and Oregon Administrative Rules (OAR) related to walkway ballast and railroad walkways. A favorable verdict was achieved on behalf of railroad client.
- As a member of the litigation team, helped client recover significant amount in back lease payments from Washington municipality in pipeline lease dispute filed in federal court in the Eastern District of Washington.
- Represented short line railroad in a lawsuit brought by a private landowner for prescriptive easement over a private railroad

crossing. Case was settled following summary judgment motions based on lack of adverse use.

- Represented national railroad carrier in quiet title action brought by property developer related to multiple parcels of land in downtown Seattle. Action was based on claim of abandonment of railroad easement and reversion of interest back to successor-in-interest of original landowner who owned parcels prior to Congressional land grant to railroad.
- Assisted client in collection and mitigation efforts against their vendor's insurer following the recall of the vendor's product.
- Handled multiple property damage lawsuits and claims on behalf of clients, including damage related to fire, trespass, livestock, landslides, as well as claims involving the destruction of farming and railroad equipment.

ORGANIZATIONS

Professional Affiliations:

- Multnomah Bar Association
- Oregon State Bar

PERSONAL INTERESTS

Outside the office, I enjoy spending time with my wife, our two children, and our two dogs. On my off time, you can find me cheering on the Gonzaga Bulldogs, watching various European soccer matches, running, or enjoying a good book. My family enjoys exploring the best of the Pacific Northwest, taking frequent trips to the Coast and Central Oregon, our favorite places being Black Butte Ranch, Smith Rock, and Oceanside.