

## Rory D. Cosgrove

Attorney

### Contact Information

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### BACKGROUND

Rory loves civil appeals and focuses his practice exclusively on appeals. He has been lead counsel in countless appeals, arguing many in the U.S. Court of Appeals for the Ninth Circuit and in Washington's appellate courts. And Washington's appellate courts have described Rory as the "Cadillac" of appellate lawyers.

But Rory is not your typical appellate lawyer. Rory loves the trial process, too. No stranger to the courtroom, Rory often plays a major role in high-stakes trials. Clients routinely hire Rory to supercharge their trial teams with extra firepower. As his clients will attest, Rory is the premier embedded appellate counsel in the Pacific Northwest. In that role, he works seamlessly alongside the trial team to identify legal issues, shape case strategy, and prepare dispositive motions, motions in limine, jury instructions, verdict forms, and post-trial briefing. Under this integrated approach, his clients often achieve positive outcomes, including defense verdicts and favorable settlements. Rory's deep understanding of appeals and the trial process strengthens his service to clients in all phases of litigation.

His client list includes some of the country's most recognized companies, including Providence, U-Haul, Bright Horizons, J.B. Hunt, Safelite, Allied Universal, Volkswagen, Graco, Pep Boys, and Comcast. What distinguishes Rory from his peers is his unwavering commitment to building strong relationships with his clients. He strives to be his clients' ambassador of Kwan, so it's no wonder that his favorite movie is *Jerry Maguire*.

One core philosophy drives Rory—to always deliver exceptional legal work to exceed his clients' expectations. Clients can count on Rory to provide the highest quality legal services. And Rory can do it all—time-sensitive strategic advice, incisive oral advocacy, and top-notch briefing.

Before joining Carney, Rory clerked in Division One of the Washington State Court of Appeals and at the Oregon Court of Appeals in the Appellate Commissioner's Office. His clerkships gave him valuable insight into the judicial decision-making process. He uses that insight to achieve positive outcomes for his clients.

Rory embodies diligence. Before law school, he taught English in France for two years; sold merchandise at Nordstrom on the Las Vegas Strip; co-owned a painting business with his best friend in college; made breakfast at McDonald's in high school; delivered newspapers to his local community as an adolescent; and picked up range balls at his childhood golf course. These experiences inform his grounded, client-centric approach. And they reflect a strong work ethic that his clients appreciate and admire.

# CARNEY BADLEY SPELLMAN

Outside the office, Rory enjoys working out, traveling abroad, and spending time with his beautiful wife, precocious young sons, family, and friends. Rory channels his love for basketball by playing in Spokane's Hoopfest tournament and no matter the weather, he can occasionally be found working on his short game.

## EDUCATION

- Willamette University College of Law, J.D., *summa cum laude* (2014)
  - Class Rank: 2/113
  - Managing Editor (Vol. 50), Willamette Law Review
  - Honors Appellate Brief, Legal Research and Writing
  - International and Comparative Law Certificate
  - Research, Writing, and Editing Assistant to Dean Emeritus Symeon Symeonides
  - Legal Writing Assistant to Professor Helen Mazur-Hart
- Eastern Washington University, B.A., *magna cum laude* (2008)
  - International Affairs and French Major
  - Sigma Phi Epsilon, Vice President
  - Université Stendhal III Study Abroad, Grenoble, France

## BAR & COURT ADMISSIONS

- State of Washington
- U.S. District Court, Western District of Washington
- U.S. Court of Appeals, Ninth Circuit

## HONORS & RECOGNITIONS

- *Super Lawyer*, Washington Super Lawyers Magazine (2025)
- *Rising Star*, Washington Super Lawyers Magazine (2018–24)
- *Outstanding Associate of the Year*, Washington Defense Trial Lawyers (2019)
- *Roy Lockenour Award*, Professional Responsibility (2012)
- *Yarwood Award*, Top Dean's Honor Student for Modern Languages and Literatures (2008)
- Washington's Strongest Apple Champion (2008)
- Washington Ironman Bodybuilding Champion (2006)

## PROFESSIONAL ASSOCIATIONS

- American Bar Association
- DRI, Appellate Advocacy Committee
- King County Bar Association, Chair of the KCBA Appellate Practice Section (2021-22)
- Washington Defense Trial Lawyers, President-Elect (2024-25), Amicus Committee (2017-present)
- Washington State Bar Association

## COMMUNITY ACTIVITIES

- King County Housing Justice Project, Volunteer Attorney (2015-20)
- King County Neighborhood Legal Clinic, Volunteer Attorney (2015-16)

## PUBLICATIONS

- Disqualification and Recusal of Federal Appellate Judges, DRI (February 2019)
- Effect of Digital Technology on Reading and Writing Appellate Briefs, DRI (February 2018)
- Expansion of Judicial Review of Arbitration Awards, ABA Appellate Practice (March 2017)

## PRESENTATIONS

- The Role of Appellate Counsel in Preserving Claims of Error, Federal Bar Association (2025)
- Embedded Appellate Counsel: Preserving and Preventing Error in the Trial Court, KCBA Appellate Practice Section (2025)
- Preservation and Other Circumstances that Affect the Scope of Review, Pincus Ninth Annual Advanced Appellate Program (2024)
- Ninth Circuit's Pro Bono and Mediation Program, Federal Bar Association (2024)
- Persuasive Writing, Wilson Elser's Seattle Litigation Practice Group (2024)
- Rethinking Trial Practice After Henderson, WDTL Annual Convention (2023)
- Error Prevention, WDTL Annual Convention (2022)
- Amicus Practice, KCBA Appellate Section (2021)
- Deposition Skills Practicum, WDTL Annual Convention (2019)
- That's What Friends Are For: Things We All Should Know for Cocktail Parties, WDTL Annual Convention (2019)
- Washington Supreme Court's Expansion of the Application of the Efficient Proximate Cause Doctrine, PCI Association (2018)
- Recent Developments in Appellate Practice, Carney Badley Spellman Litigation Group (2018)
- State and Federal Appellate Practice: 1920 to Present, NALS Annual Conference (2018)
- Nuts and Bolts of State and Federal Court Appellate Practice, NALS Greater Seattle Chapter (2018)
- Developing a Pro Bono Appellate Practice, KCBA Appellate Section (2017)

## REPRESENTATIVE CASES

### ***Appeals***

- *Schmidt v. Schmidt*, 33 Wn. App. 2d 1024 (2024) (breach of contract and fraud; affirming summary judgments and awarding fees and costs on appeal)
- *Adams v. McCarthy*, 32 Wn. App. 2d 1065 (2024) (marriage dissolution; affirming a divorce decree and the resulting property division)
- *Billing Associates Northwest LLC v. Addison Data Servs. LLC*, 2025 WL 289171 (9th Cir. 2025) (breach of fiduciary duty and personal jurisdiction)
- *Ey v. Tagrisk LLC*, No. 85096-2 (Wash. Ct. App. 2025) (vacating default judgment)
- *Sorrentino v. Volkswagen AG et al.*, 32 Wn. App. 2d 1025 (2024) (product liability and personal jurisdiction)
- *McCullough v. Anderson*, 27 Wn. App. 2d 1062 (2023) (easement dispute; affirming a summary judgment preserving our client's property rights), *review denied*, 2 Wn.3d 1028 (2024).
- *Pacific Lutheran University et al. v. Certain Underwriters et al.*, 2 Wn.3d 628, 541 P.3d 358 (2024) (antisluit injunction and forum non conveniens)
- *ROIC Washington, LLC v. R.F. Edmonds Joint Venture*, 25 Wn. App. 2d 1006 (2022) (breach of contract)
- *Sumner Plains 84, LLC v. Wakefield*, 23 Wn. App. 2d 1002 (2022) (breach of contract; partially reversing a summary judgment and remanding the client's claim for trial)
- *Dearinger v. Eli Lilly & Co.*, 199 Wn.2d 569, 510 P.3d 326 (2022) (product liability; quoting and relying on our client's amicus brief and rejecting the plaintiff's argument that the learned-intermediary doctrine contains a direct-to-consumer advertising exception)

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- *Singh v. University of Washington*, 18 Wn. App. 2d 1061 (2021) (employment law; partially reversing a summary judgment and remanding the client's disability-accommodation claim for trial)
- *Fife Portal, LLC v. Kotulan*, 14 Wn. App. 2d 1019 (2020) (trespass)
- *W.H. v. Olympia School District*, 195 Wn. 2d 779, 465 P.3d 322 (2020) (WLAD claim; amicus brief)
- *Rosen v. Rosen*, 11 Wn. App. 2d 1030 (2019) (business dispute; affirming summary judgement and awarding our clients attorneys' fees and costs on appeal)
- *Sawyer Lake Veterinary Hosp., Inc. v. Pine Tree Veterinary Hosp.*, 8 Wn. App. 2d 1070 (2019) (affirming summary judgment)
- *Ada Motors, Inc. v. Butler*, 7 Wn. App. 2d 53, 432, P.3d 445 (2018) (uniform trade secrets act; reversing a damages and attorneys' fee award after a jury verdict and remanding for a new trial on damages), *review denied*, 193 Wn.2d 1013 (2019).
- *JDB Construction Corp. v. Hai Liang Zhang*, 8 Wn. App. 2d 1024 (2019) (fraud)
- *Trahan v. Clayton Dublier & Rice*, 741 F. App'x 397 (9th Cir. 2018) (negligence)
- *Ingersoll v. City of Mattawa*, 3 Wn. App. 2d 1038 (2018) (employment law)
- *Noll v. American Biltrite Inc.*, 188 Wn.2d 402, 395 P.3d 1021 (2017) (personal jurisdiction)
- *Xia v. Probuilders Specialty Ins. Co.*, 188 Wn.2d 171, 400 P.3d 1234 (2017) (insurance coverage; amicus brief)

## **Embedded Appellate Counsel**

- *Bundy v. Swedish Health Services*, King County Superior Court (2025) (medical negligence)
- *Webb v. Aardvark Event Logistics, Inc.*, King County Superior Court (2025) (negligence)
- *Wilson v. Allied Universal Security Services et al.*, King County Superior Court (2025) (negligence)
- *Braden v. U-Haul Co. of Washington*, King County Superior Court (2025) (negligence)
- *Razak v. J.B. Hunt Transport, Inc.*, Pierce County Superior Court (2025) (negligence)
- *Larsen v. High 5 Games, LLC*, Western District of Washington (2025) (class action)
- *Berg v. NFS Unlimited WA, LLC*, Pierce County Superior Court (2025) (negligence)
- *Riggs v. Bright Horizons*, King County Superior Court (2025) (negligence)
- *Jok v. Safelite Fulfillment, Inc.*, Pierce County Superior Court (2024) (negligence)
- *Spencer v. University of Washington*, King County Superior Court (2024) (premises liability)
- *Jok v. Safelite Fulfillment, Inc.*, Pierce County Superior Court (2024) (negligence)
- *Green v. Armani Group, Inc. et al.*, King County Superior Court (2023) (negligence)
- *Kemp v. Graco Children's Products, Inc. et al.*, King County Superior Court (2022) (products liability)
- *Yeon v. Pep Boys – Manny, Moe & Jack of Delaware, Inc. et al.*, King County Superior Court (2022) (negligence)
- *Anderson v. Comcast Cable Communications, LLC et al.*, Pierce County Superior Court (2021) (products liability)
- *Lynch v. City of Seattle*, King County Superior Court (2021) (negligence)