



## John D. Parsons Partner

Parsons Farnell & Grein, LLP  
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### ***Practice Areas***

*Litigation*  
*Probate*  
*Real Estate*

### **Overview**

John's practice is almost exclusively in the context of business and commercial disputes, with a particular emphasis on litigating limited liability company, corporate and partnership disputes, state and federal securities claims, construction contract and lien enforcement actions, and probate and trust matters in Oregon and Washington. He has tried dozens of cases to verdict and litigated hundreds of cases through arbitration, summary determination, or other successful adjudication.

With a family background in business ownership, John possesses unique insight into his clients' personal investment in and commitment to running successful businesses. Consequently, he prides himself on keeping his clients' ultimate goals in mind and seeking the most cost-effective solution at every stage of litigation.

### **Representative Work**

#### **Kelley v. Kelley.**

Defense of a trustee against claims of breach of fiduciary duty. After a three-day jury trial, the jury ruled in favor of John's client on a vote of 11 to 1, coupled with the trial court's subsequent award of attorney fees against the plaintiff. Affirmed on appeal, with additional fee award - 306 Or. App. 723 (2020).

#### **HCG, LLC v. Public-Sector Solutions, Inc.**

Prosecution of breach of software contract claim arising from a public project in California. After a one-week jury trial, the jury rendered a unanimous verdict in favor of John's client, including an award of attorney fees by the trial court in excess of \$440,000.

**BGJJ, LLC v. Schertzinger.**

Successful prosecution of a claim under 11 U.S.C 727(a) to deny a debtor's discharge in bankruptcy. The trial court denied the debtor's efforts to discharge all of the debtor's debts including the six-figure judgment John had previously secured for his clients in private arbitration.

**Securities Litigation.**

Lead trial counsel for developer client in defense of numerous lawsuits regarding securities offerings in connection with residential and commercial developments in multiple western states. John successfully resolved one matter through summary disposition, based on a novel finding by the state trial court that the LLC interests involved were not securities under Oregon law. John resolved another matter in the client's favor through negotiated resolution after three weeks of a jury trial.

**Schertzinger, et al. vs. BGJJ, LLC, et al.**

Representation of LLC members in multi-million-dollar action brought by an expelled member for claims related to the member's expulsion as well as professional services allegedly rendered to the LLC. John arbitrated the claims in front of a three-arbitrator panel, who ruled unanimously in favor of John's clients, including on the members' various counterclaims.

**Community Financial Corporation v. Casa Terra, LLC, etc., et al.**

Representation of guarantors of loan against bank in action to foreclose and enforce personal guarantees. John successfully negotiated a settlement for his clients.

**Crisman v. Nelco Services, Inc.**

Representation of corporation in a negligence action. John successfully resolved the claim with a motion to dismiss.

**Philips v. Philmar Int'l, Inc.**

Successful representation of one of the shareholders in a bench trial seeking corporate dissolution.

**New General, LLC, et al. v. Breck, et al.**

Representation of a general partner and limited partnership in the recovery of embezzled funds of approximately \$1,000,000, which the defendants had transferred offshore. In conjunction with securing a summary judgment award for liability, John also secured an order requiring the defendants to deposit all of the money with the court. When the defendants failed to do so, they were incarcerated for contempt of court, resulting in the prompt resolution of the case.

**Boring Golf Course Investors, Inc. v. Building Structures, Inc.**

Representation of the defendant general contractor in a construction and contract dispute relative to the construction of a golf course club house for alleged construction defects and breach of contract. After a two-week trial, the jury returned a defense verdict in

approximately 50 minutes, awarding John's client its costs and attorney fees. Affirmed on appeal - 189 Or. App. 596 (2003) with award of additional attorney fees.

**Fletcher, et. al. v. Bonaventure Properties, Inc.**

Representation of the defendant purchaser under a contract to purchase real estate in defense of a foreclosure action by seller. The trial court ruled that the seller could not foreclose based upon seller's own failure to require strict performance of the contract.

**Dycon Corporation v. Adair, et al.**

Representation of a landowner developer against lien and contract claims brought by a general contractor seeking recovery under a construction lien. On motion for summary judgment, the court ruled in favor of John's client and against the general contractor based upon the general contractor's failure to be properly licensed, awarding John's client his attorney fees.

**Lifestyles, Senior Housing Managers, LLC v. Villa Del Rey-Seaside, Inc., et al.**

Representation of the claimant in this private arbitration of a claim for breach of contract by the owner of a senior care facility, securing an award, including attorney fees of approximately \$500,000 for wrongful termination of a management contract.

**Classic Painting, Inc. d/b/a Pro Classic Coatings, an Oregon Corporation v. Willamette Builders Group at Stoneway, LLC**

Trial court ruled in favor of John's clients cutting off plaintiff's attorney fees as a result of opposing counsel's failure to adhere to the statutory discovery requirements. Affirmed on appeal - 235 Or. App. 572 (2010).

**Hogan v. NW Trust Services, Inc., et al.**

Successful motion to dismiss all claims against John's client – affirmed on appeal - 441 Fed. Appx. 490 (2011).

**News & Publications**

*Collecting On Judgments*, American Academy of Matrimonial Lawyers (April 2019)

*Collecting On Judgments*, Multnomah Bar Assoc. (Feb. 2019)

*When Customer Service Hits an All-Time Low: A Primer for Commercial Litigators Seeking Maintenance and/or Recovery of Their Client's Intellectual Property Rights* (Oregon State Bar Litigation Journal, Vol.24, No. 1), Co-Author

Piercing the Corporate Veil and Other Limits on Limited Liability (Multnomah Bar Association June 2016)

*Judgments and Collecting Judgments* (Oregon Law Institute May 2016)

*Collecting Judgments in Oregon* (Multnomah Bar Association May 2014)

*Litigating the Case in Probate Court* (Nat'l Business Institute Oct. 2013)

## Education

Brigham Young University, J. Reuben Clark Law School, J.D.

Utah State University, B.A., *cum laude*

## Admissions

American Bar Association

Multnomah Bar Association

- Professionalism Committee 2010 – 2012
- Member/Board of Directors for Young Lawyers Section 1995 – 1997

Oregon Bar Association

- Statewide Lawyers Assistance Committee 2013 – 2018; Chair 2017 and 2018; Secretary 2016
- Local Professional Responsibility Committee 2005 – 2007; Chair 2007
- OSB-OSCPA Joint Committee 2005 – 2007

Washington Bar Association

Federal Bar Association

## Involvement

Southridge High School Lacrosse Board of Directors 2013 – 2015; Secretary 2014 – 2015

Southridge Skyhawks Youth Lacrosse, Inc. (Co-Founder); Officer and Director 2010 – 2012

Utah State University Alumni Association Chapter Vice President 2006 – 2010

Youth basketball coach 1997 – 2007

## Memberships & Awards

AV Preeminent Rated lawyer (Martindale Hubbell) 2003-to date

Best Lawyers in America 2021-2023

2012-2022 Super Lawyer® - Business Litigation (Top 5% of attorneys in Oregon)

Certified Member - Lawyers of Distinction® (Top 10% of attorneys nationwide)

Lifetime Achievement - America's Top 100 Attorneys® (Top one-half percent of attorneys nationwide)