

## Kenneth J. Abere Jr.

Special Counsel

P 503.219.3803

E [kabere@cosgravelaw.com](mailto:kabere@cosgravelaw.com)

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## Lisa D. McKee

Legal Assistant

P 503.219.3846

E [lmckee@cosgravelaw.com](mailto:lmckee@cosgravelaw.com)

F 503.323.9019



## Education & Bar Admissions

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Ken received his law degree from Willamette University in 1994. He completed his bachelors degree in Economics at Trinity College in 1986.

Ken is a member of the Oregon and Washington State Bars. He is also admitted to the US District Court for the District of Oregon and the US District Court for the Western District of Washington.

## Professional

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- Litigation Counsel of America, the Trial Lawyer Honorary Society, Fellow
- Multnomah County Bar Association, Member

## Civic

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Ken has provided pro bono representation to low income clients at the St. Andrew Legal Clinic.

## Personal

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Ken coached his sons' basketball teams for 15 years and currently enjoys watching from the stands. In October 2006, Ken was inducted into the New England Basketball Hall of Fame. He held the Trinity College Men's Basketball all-time scoring record from 1986 until 2006. Ken was also named a 3rd Team NCAA Division III All-American in 1985.

## Law Practice

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Ken's litigation practice focuses on personal injury, premises liability, products liability, sexual assault, real estate, and business litigation. With more than 25 years of practice, Ken has represented his clients at 40 jury trials and over 200 arbitration hearings. Since July 2014, Ken has tried 12 jury trials to verdict. Prior to joining Cosgrave Vergeer Kester LLP, Ken worked as a personal insurance underwriter for Chubb Insurance and a commercial insurance underwriter for Safeco Insurance.

### Tort/Casualty Litigation

- Trucking
- Employer Liability Act
- Product liability
- Premises liability
- Personal injury
- Uninsured/Underinsured motorist claims
- Sexual assault

### Business Litigation

- Business shareholder disputes
- Unfair competition
- Commercial lease disputes
- Enforcement of non-compete employment agreements
- Conversion of customer client lists

- Wrongful foreclosure

### **Real Estate**

- Buyer and Seller earnest money disputes
- Residential and Commercial landlord/tenant disputes
- Boundary line and easement disputes
- Realtor professional liability
- Mortgage broker professional liability
- Risk management and consulting for real estate professionals

## **Representative Experience**

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Plaintiff filed an ORS 20.080 tort claim and the arbitrator found in plaintiff's favor and awarded her more than \$10,000 in attorney fees. Ken's client appealed the arbitrator's award and requested a jury trial. Following a 1.5 day trial, Ken obtained a defense verdict and eliminated plaintiff's attorney fee award.

Defended a \$4.6 million lost profits claim filed against a major NW food processor for alleged damage to the construction site of an adjoining business as a result of water flooding their building forms. After an eight day trial, the jury found in favor of Ken's client on all claims.

A 60-year-old plaintiff suffered a mild traumatic brain injury in a car accident and sought more than \$2 million in damages for ongoing cognitive problems. After a three day trial the jury awarded \$104,000 in damages after accepting our medical expert's testimony that plaintiff's cognitive problems were related to early onset Alzheimer's, not the car accident.

Plaintiff claimed that an independent contractor of a transportation company groped her and caused her emotional distress. Plaintiff sought \$1 million in damages, and after a three day trial in which defendant presented extensive social media evidence of plaintiff's post-incident activities, the jury awarded plaintiff \$130,000.

Plaintiff filed a tort lawsuit claiming she needed neck surgery as the result of an accident. We admitted liability on behalf of our client. Plaintiff claimed more than \$100,000 in damages, but the jury found plaintiff failed to prove medical causation and awarded no damages.

Plaintiff sued our client to get additional security for payments due under a promissory note related to the sale of a business. After a trial to the court, the court adopted the majority of our proposed

findings on terms favorable to our client.

In a disputed auto liability intersection case, plaintiff claimed more than \$500,000 in damages for sacroiliac joint dysfunction and post-traumatic stress disorder. We obtained a defense verdict on behalf of our client

Defended a \$25 million Employer Liability Act claim filed against a property owner for severe injuries to a construction worker who fell off a scaffolding during a building project. After completing more than 15 depositions and extensive document discovery, Ken obtained a favorable settlement for his client.

Successfully helped a local mortgage broker enforce a non-compete employment agreement against a former employee who attempted to steal the company's customers.

Defended a claim against a local insurance broker for failing to procure the proper limits of liability for product recall coverage. After completing extensive document discovery and depositions, Ken obtained a favorable settlement for his client.

Represented a homeowner who purchased what he thought were two buildable lots on a piece of vacant land, but later found out there was only one. After a two day real estate arbitration, Ken's client recovered \$50,000 in damages for the diminished value of the land and a majority of their attorney fees.

Represented a home buyer who attempted to get his earnest money deposit back after learning that the home seller had failed to disclose relevant information regarding the pending construction of an adjacent subdivision. After a one day arbitration hearing, Ken's client was awarded his earnest money, the transaction costs he incurred in attempting to purchase the property and his attorney fees.

Defended a transportation company driver against a claim of sexual assault by a passenger who sought \$250,000 in damages for emotional distress. After a two day trial, the jury found in favor of the driver.

Defended a residential landlord against a personal injury claim under the Oregon Residential Landlord Tenant Act arising out of an alleged fall down a set of exterior stairs. After a three day trial, the jury found in favor of Ken's client and she also recovered her attorney fees.

## Presentations

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“Defending Mild Traumatic Brain Injury Cases”, Presented to State Farm Insurance claim professionals on February 9, 2017

“Social Media in Claims Handling and Litigation”, Presented to State Farm Insurance claim professionals on June 19, 2014

“Real Estate Case Studies”, Fidelity National Title Company and the Hasson Company, November 2013

“Risk Management for Realtors”, Keller Williams Realty Portland Premier, February, 2012