

# Snell & Wilmer

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## **Clifford S. Davidson**

Partner | Portland | Seattle | Los Angeles

Tel. 503.443.6099 POR

Tel. 425.748.5055 SEA

[csdavidson@swlaw.com](mailto:csdavidson@swlaw.com)

## **Main Bio**

Cliff Davidson is a commercial litigator and trial attorney, and is the managing partner of the firm's Portland office. He focuses on commercial disputes; litigation and counseling relating to freedom of expression and defamation, including anti-SLAPP; advice and litigation concerning constitutional issues, particularly the First Amendment and Equal Protection Clause; noncompetition and nondisclosure; copyright and trademark; class action defense; and Oregon and federal RICO. Cliff has served as a sworn Special Assistant Attorney General to the State of Oregon in both litigation and investigation, and acted as outside counsel to municipal government bodies. He maintains an active docket in Oregon, Washington and California.

## **Representative Experience**

### ***Commercial Matters***

- Several representations on behalf of International Business Machines Corporation (IBM), including in multi-million dollar federal litigation, an employment matter in federal court, and as third-party witness in *Rosenblum (State of Oregon) v. Oracle America, Inc*
- Representation of social media site in \$22,000,000 lawsuit
- Represented 15 cannabis dispensaries in federal RICO lawsuit
- Represented, in California federal jury trial, an insurance marketing company suing competitor for its business interference with client's team of former sales contractors. Litigated issues of adverse inference jury instructions, and monetary sanctions, based on opponent's spoliation of electronically stored information
- Represented, in Oregon federal trial, a national law firm accused of breaches of fiduciary duty in connection with a promissory note, and counterclaimed on behalf of that firm for unpaid fees
- Represented Canadian paper pulp company in U.S. litigation concerning UCC and CISG issues
- Represented landowner sued in 70-defendant Oregon federal civil RICO action in connection with cultivation of cannabis
- Defended client in California federal class-action by a team of over 300 independent contractors seeking several million dollars
- Represented loan servicer before the United States Supreme Court in opposing certiorari
- Represented Oregon trucking and warehouse company in Computer Fraud and Abuse Act matter
- Represented an oil company as plaintiff in a complicated, multinational fraudulent transfer matter

### ***Constitutional/Public Law Matters***

- Represented the State of Oregon in defending against class-action lawsuit under the Equal Protection Clause and Title VI
- Representing City of Portland and Prosper Portland in lawsuit involving claims under Equal Protection Clause and state law
- Represented non-profit and religious organization in lawsuit against the U.S. Department of Homeland Security in connection with 2020 federal policing action in Portland
- Advising non-profit and government entities on compliance with the Equal Protection Clause
- Represented multiple interested parties in connection with issues related to labor peace requirements in procurement
- Conducted internal investigation of an Oregon government agency and presented findings to the Governor and other officials
- Represented news organization in Washington public records dispute
- Represented transgender nursing student in lawsuit against California college that expelled her
- First Amendment retaliation litigation against a special district in Oregon
- On behalf of criminal defendant, challenged Oregon criminal statute under Oregon Constitution
- Litigated whether Oregon charter school was a state actor subject to 42 U.S.C. § 1983
- Represented plaintiff, in district court and Ninth Circuit, in a First Amendment retaliation matter against an Oregon municipality and its police chief

### ***Defamation/Anti-SLAPP Matters***

- Defended against seven-figure defamation and business interference claims brought by major Oregon automotive chain
- Represented solar company and its principal in eight-figure business interference and Oregon RICO matter in California federal court. Matter involved anti-SLAPP motion practice and an award of attorney fees and costs
- Represented zineauthor in defamation matter involving anti-SLAPP practice
- Representation of blogger sued for defamation by major landowner in Central Oregon
- Represented plaintiff in defamation matter relating to allegations of abuse
- Pre-publication review of numerous clients' works in order to mitigate risk of defamation claims

### ***Intellectual Property Matters***

- Represented motion picture studio in Oregon copyright matter
- Represented distributor of grow lights in dispute over trademark and copyright infringement on Amazon
- Defended toy company against copyright claim brought by competitor
- Represented Oregon defendant in architectural copyright litigation
- Represented major Virtual Private Network (VPN) company in Lanham Act false advertising claim

### **Education**

- University of Michigan Law School (J.D.)

- Harvard University (A.B., Government, *cum laude* in field)

## Languages

- Spanish (Limited Working Proficiency)
- French (Limited Working Proficiency)

## Professional Memberships & Activities

- Oregon State Bar Fee Arbitration/Mediation Panel, Member (2015 to present)
- United States District Court, District of Oregon *pro bono* panel (2014 to present)
- Multnomah Bar Association (2012 to present)
- Oregon Newspaper Publishers Association (2015 to present)
- Los Angeles County Bar Association (2006 to present)
- American Bar Association (2006 to present)
  - Section of Litigation (2010 to present)

## Representative Presentations & Publications

- "[The Supreme Court Cases \(Other Than Trump\) That Matter Most to the Business World in 2024](#)," Quoted, Yahoo! Finance (January 9, 2024)
- "Undetectable, Untransmittable, Unclear: Virally-Suppressed Employees and the Healthcare Workplace," Presenter, Washington State Society of Healthcare Attorneys (2018)
- "Anti-SLAPP Motions: Challenging Claims Arising from Speech," Presenter, Oregon State Bar CLE (2018)
- "Litigating RICO Claims in Oregon," Co-Presenter, Multnomah Bar Association CLE (2018)
- "Defamation by Association: What 'Sexy Cops' Can Teach Us," Author, Quarterly Newsletter, Oregon Chapter of the Federal Bar Association (2017)
- "Legalization of Marijuana and the Challenges it Poses to Real Estate Lenders," Presenter (2017)
- "Defending Against Claims of Trade Libel," Author, The Verdict (June 2014)
- "Addressing Negative Online Reviews," Presenter, Hotel Investor's Marketplace (December 2014)
- "Yelp® Help: Dealing with Online Reviews," Presenter, Washington Lodging Association Annual Convention & Trade Show (November 2014)
- "When the Political Process Meets Due Process: Perspectives on Judicial Elections," Moderator and Panel organization, American bar Association, Section of Litigation Annual Conference plenary session (April 2014)
- "Strike Back Via Anti-SLAPP Statutes," Author, Daily Journal of Commerce (February 2013)
- "Procedural Aspects of Anti-SLAPP Motions in Federal Court," Author, Quarterly Newsletter, Oregon Chapter of the Federal Bar Association (January 2013)

## Professional Recognition & Awards

- Chambers USA: America's Leading Lawyers for Business®, Litigation: General Commercial (2024)
- The Best Lawyers in America©
  - Commercial Litigation (2021-2024)

- First Amendment Law (2023-2024)
- Snell & Wilmer COACH Award (2023)
- Snell & Wilmer Pro Bono Award (2023)
- Oregon Super Lawyers®, (2018-2022)
- Oregon Super Lawyers®, Rising Star (2014-2017)
- Southern California Super Lawyers®, Rising Star (2009)
- Named One of the Best LGBT Lawyers Under 40, National LGBT Bar Association (2014)
- Wiley W. Manuel Award for pro bono legal representation (2007-2012)
- Exceptional Performance Award, United States Government (2003)

## **Community Involvement**

- Oregon Repertory Singers (2013 to present)
  - Board of Directors (2019-2021)
- ACLU of Oregon (2014 to present)
  - Lawyers Committee member (2017 to present)

## **Previous Professional Experience**

- Sussman Shank LLP Partner (2012 to 2020)
- Kendall Brill & Kelly LLP (2011-2012)
- Proskauer Rose LLP (2006-2011)
  - Deputy District Attorney through training program (2009)

## **Bar Admissions**

- California
- Oregon
- Washington

## **Court Admissions**

- United States Court of Appeals, Ninth Circuit
- United States Supreme Court
- Supreme Court of Oregon
- United States District Court, District of Oregon
- Supreme Court of Washington
- United States District Court, Eastern District of Washington
- United States District Court, Western District of Washington
- Supreme Court of California
- United States District Court, All Districts of California
- United States District Court, District of Colorado