



## Bradley J. Dixon

### *Partner*

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(208) 388-1261

#### Practice Areas

- Litigation
- Employment Law
- Construction Law

#### Industries

- Agriculture
- Banking
- Mining
- Real Estate Development, Construction and Investment
- Technology

Bradley Dixon is co-chair of the Givens Pursley Litigation Group and focuses his practice primarily on construction litigation. In 25 years of experience, Brad has amassed a significant portfolio of trial practice in a variety of complex commercial disputes, providing him with the creativity, knowledge and strategic know-how to do more than just litigate your case. As a trial attorney, Brad understands and excels within the entire spectrum of our dispute resolution system, providing you with the best possible mechanism to resolve conflict, even if your case must be decided by a judge and jury.

A veteran of 19 jury trials, Brad brings a broad range of trial and litigation experience representing clients in disputes involving complex commercial litigation, construction litigation, noncompetition covenants, secured transactions, real estate, and employment.

Prior to joining Givens Pursley, Brad was a partner at Stoel Rives, LLP.

#### Recognition

- Named one of Idaho's Leaders in Law by Idaho Business Review
- Chambers USA, America's Leading Lawyers for Business (Litigation)
- Mountain States Super Lawyers®, (Civil Litigation Defense) 2018
- Admitted to the International Association of Defense Counsel, 2008
- Member, National Institute for Trial Advocacy, 2004
- Member, Idaho Association of Defense Counsel, 2003-present

#### Education

- Willamette University College of Law, J.D., 2000
- Boise State University, B.S., 1997

#### Admissions

- Idaho
- Utah
- Idaho Supreme Court
- U.S. District Court for the District of Idaho
- U.S. Court of Appeals for the Ninth Circuit

#### Memberships & Affiliations

- Board Member, Gridiron Dreams Foundation, 2011-present

- Board Member, Prolific, Inc. 2014-present
- State Advocacy Chair, American Heart Association, Idaho Division
- Chairman of the Board, American Heart Association, Idaho Division, 2011-2014
- Member, Strategic Planning Board, American Heart Association, 2005-2009
- Chair, Strategic Planning Committee, American Heart Association, 2007-2008
- Board Member, Pacific Mountain Affiliate, American Heart Association, 2007-2008



## Experience

- Recovered a \$3.2 million dollar jury verdict on a breach of contract and professional malpractice claim on behalf of a developer in a construction law dispute against an architect that failed to design a large condominium project in compliance with accessibility requirements under the FHA and International Building Code.
- Successfully prosecuted a multi-million dollar construction delay claim in 2020 for a developer against a national contractor that delivered a downtown apartment building eight months beyond the substantial completion deadline, but sought to excuse the mismanagement based upon adverse weather.
- Successfully prosecuted a lawsuit on behalf of a local hand surgeon against Treasure Valley Hospital Limited Partnership for the wrongful expulsion of the limited partner surgeon. The lawsuit involved the defense of a noncompetition covenant purporting to allow the privately owned hospital to prevent the physician from doing simple procedures in his office at a substantial savings to patients. The jury found the noncompetition covenant unenforceable, and a judgment was entered in favor of the surgeon in the amount of \$1,524,299.10. (January of 2018)
- Obtained a declaratory judgment in 2020 for a highly specialized spinal deformity surgeon invalidating a noncompetition covenant that would have the impact of preventing him from offering his specialized services in the Treasure Valley. The court invalidated the agreement on public policy grounds.
- Successfully prosecuted a bench trial obtaining a favorable decision in a complex partnership dissolution dispute. (March of 2018)
- Obtained a favorable settlement in a lawsuit concerning the misuse of insurance proceeds by an employee welfare benefit plan. The lawsuit involved the successful prosecution of injunctive relief in Idaho federal court and a successful settlement of two separate interpleader actions in the Southern District of New York. (August of 2017)
- Obtained a favorable decision from the Idaho Supreme Court

regarding a complex commercial dispute involving a dairy and livestock business. See *Green River Ranches, LLC v. Silva Dairy, LLC*, 162 Idaho 385, 397 P.3d 1144 (2017). (May of 2017)

- Successfully prosecuted a security recovery lawsuit involving a multi-million dollar bond issuance.
- Successfully defended over-limit transport clearances against a challenge by environmental special interest groups.
- Successfully defended a jury trial involving claims of insurance coverage and bad-faith.
- Successfully defended a jury trial involving claims of products liability, insurance coverage, bad faith and food safety.
- Successfully defended a AAA arbitration involving claims of trade secret misappropriation, wage claims, breach of fiduciary duties and noncompetition agreement violations.
- Successfully defended a private arbitration for a national health club corporation involving allegations of sexual orientation discrimination and wrongful termination.
- Successfully prosecuted a construction defect jury trial involving water intrusion.
- Successfully prosecuted a cost recovery claim for an international mining company in a four-day bankruptcy court trial.
- Represented a national agricultural lender in a multimillion-dollar agricultural foreclosure lawsuit involving property in four state counties.
- Successfully defended a bad faith insurance claim against an international rental car company.
- Successfully defended a class action lawsuit against an international rental car company.

## **Publications**

- "NCAA Dodges Judicial Bullet in Federal Case Challenging Amateurism Rules" October, 2015
- "Being Proactive: What Can You Do Now to Avoid the Pitfalls and Dangers of Internal and External Corporate Fraud?" Zions Bank Fighting Fraud Conference, Boise, Idaho, June 2015
- "Assumption of Duties through the Sale and Marketing of Products," International Association of Defense Counsel, Products Liability Newsletter, May 2010
- "Contributing author, "Guide to Receivership & Foreclosure," Idaho Section TRIGILD, 2008-2010
- "What You Need to Know Before OSHA Comes Knocking on Your Door," Breakfast Plus Seminar, Boise, Oct. 2009
- Contributing author, "Product Liability Cases and the Duty to Warn, a 50 State Compendium," DRI. 2008
- "Religious Expression on the Clock: Workplace Rights," Idaho Business & Law, Summer 2008
- "Idaho Non-competition Covenants," Idaho Business Review 2008
- "Spring Cleaning" Getting Your Employment House in Order," Breakfast Plus Seminar, Boise, May 2007
- "Tough Choices and Supertrends & Employment Law News You Can Use," Breakfast Plus Seminar, Boise, Oct. 2006