

Andrew D. Shafer

Attorney

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Bio

Andy has a broad based commercial practice but primarily represents businesses in two industries – collection agencies and transportation/ logistics companies (trucking companies, forwarders and brokers)

Andy's representation of collection agencies focuses on compliance counseling and defending individual and consumer and class action claims brought under FDCPA, FCRA, TCPA and related state laws. He also manages out of state litigation for several Washington based agencies and provides a Washington Office for out of state agencies that must maintain a Washington office to comply with state licensing requirements. Andy is an active member of ACA International, sitting on its House of Delegates and is also a member of that association's panel for approving written communications between consumers and collection agencies.

Since his admission to practice in 1979, Andy has represented motor carriers, brokers and forwarders in commercial litigation involving the Carmack Amendment and prosecuted actions to recover freight charges involving shipper/consignee disputes with the carriers. His transactional transportation practice spans the gamut of commercial transactions particular to the transportation industry – including representing buyers and sellers in the sale of privately held transportation companies, negotiating and documenting warehousing, logistics management and carrier agreements, preparing owner operator agreements and dealing with regulatory challenges to classifying owner-operators as employees for employment tax purposes.

RECENT SIGNIFICANT OUTCOMES:

- Represented stalking horse bidder in \$18 MM acquisition of a Canadian subsidiary of a Chapter 11 Debtor in Possession in the United States Bankruptcy Court for the District of Delaware. Transaction involved negotiating claim releases with Big Three auto manufacturers and auto industry vendors and customers of the Debtor in Possession as well as structuring the successful stalking horse bid.
- Successfully defended retail seller of fuel control system in breach of warranty action in which claims were narrowed on summary judgment to a single breach of warranty claim, which client settled for 2.5% of the damages demanded by the property owner.
- Successfully defended RICO action with 16 distinct claims in which court dismissed all but three claims on summary judgment, reducing client exposure from \$96 million to less than \$500,000. Case settled at mediation for less than 30% of the estimated cost of trying the few surviving claims.

- Acted as lead Counsel in acquisition of distressed collection agency with \$11 million book of business.
- Represented purchaser of \$124 million distressed real property portfolio, including negotiating and structuring sale and lease of distressed farm properties in four states.
- Defended rail forwarder in cargo claim for loss involving 26 car loads of Molson's Ice Beer which (ironically) froze in-route from Montreal to Seattle for national product roll out. Battle centered on consequential damages claim for loss of profit and damage to brand.

Education & Bar Admissions

Education

- Cornell University, College of Arts and Sciences, A.B. 1975
- Seattle University School of Law, 1979

Bar Admissions

- Washington
- United States District Court
- Western District of Washington
- Eastern District of Washington
- Northern District of Illinois
- United States Circuit Court of Appeals, Ninth District

Personal Interests

When not enjoying the practice of law, Andy is an avid baseball fan who has been known to drive through the night to watch his son play ball on the road. Andy and his wife are also in the midst of a multi-year remodel of their home and its gardens.