



## Steven F. Cade

PARTNER

[scade@sussmanshank.com](mailto:scade@sussmanshank.com)

O: 503.243.1655

### My Assistant

Gloria A. Lee 503.243.1661 x251

Steven Cade is a seasoned veteran of courts at every level. Whether at trial or on appeal, Steven makes the complex comprehensible. Whether working with creditors or debtors, those who have been wronged, or those who have been wrongly brought into a lawsuit, Steven has the granular knowledge of Oregon law and procedure that leads to just outcomes for his clients.

Steven's years as a construction litigator brought him into contact with many insurance issues. The grammatical and interpretive challenges of insurance litigation in turn strengthened his ability to make persuasive arguments based on statutory text and context which Oregon courts need. Construction litigation also led to injury litigation and products litigation, two areas where Steven has spent a lot of time. Lately, Steven has developed expertise in defending against and collecting judgments in complex cases, including two landmark appellate decisions in that field.

Judges and juries have to be both motivated and enabled to decide a case in a client's favor. Without a cogent legal argument, a judge will simply not rule in your favor, even with sympathetic facts. Likewise, a debtor who has a legal reason to avoid a foreclosure must also show the decision maker why she deserves to be given a second chance. Steven's legal philosophy thus focuses on developing favorable facts and honing legal hooks for each case he handles.

Much of Steven's perseverance comes from his background. An Eagle Scout who spent his junior year of high school as a Rotary

### Industries

Construction

Real Estate and Land Use

### Practices

Litigation

Real Estate and Land Use

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### Education

B.A., University of the Pacific  
Philosophy

J.D., University of Oregon School of  
Law  
Order of the Coif

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### Admissions

- Oregon State Bar
- United States District Court for the District of Oregon
- United States Court of Appeals for the Ninth Circuit

exchange student in Thailand, Steven joined the US Army Infantry in 2003, where he learned to hit the ground running.

## **THE ADVANTAGE OF WORKING WITH ME**

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I love the complex intellectual and emotional challenges of courtroom advocacy. Whether the case is small or large, I provide the focused, personal, prompt attention every client deserves. I find that details make the difference. A single email out of a stack of thousands; a single line of testimony; a minor report from a junior executive. When you find that key document, and then are able to use it properly, you can unlock the whole case.

It is thrilling to see the light of comprehension dawn in the eyes of lay jurors or busy judges after I have boiled a complicated case down to present the reasons why justice is on the side of my client. Many cases resolve through mediation and negotiation, but those options work best when the other side knows you are prepared for trial. I came to Sussman Shank, and stay here, because we are lawyers with reputations for trying cases, and everyone knows that about us.

## **REPRESENTATIVE WORK**

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### **Construction Litigation Cases**

- Steven helped secure a trial verdict in excess of \$1,000,000 for an industrial welding company against the equipment supplier and its servicer, including several hundred thousand dollars for lost profits, together with pre-judgment interest.
- Defended an Oregon property developer from a lawsuit seeking \$20,000,000 in damages arising out of negligent construction of a multi-family residential complex.
- Helped a lessor of specialized construction equipment resolve an injury case through assertion and defense of contractual indemnity rights.
- Defended a commercial window installer against claims of negligent installation.
- Defended architect from claims of negligent design in connection with a remodel of a vacation property in Central Oregon.
- Successfully used contractual indemnity provisions to defend a large commercial crane company from on-the-job personal injury claims under Oregon's Employer's Liability law.

- Assisted in filing, defense, and foreclosure of numerous construction lien claims on both residential and commercial projects.

### **Commercial Litigation Matters**

- Successfully obtained appellate relief for a judgment debtor from an oppressive trial court decision regarding an attorney fee lien which would have required the client to have paid the judgment at issue twice. *Jones v. Bhattacharyya*, 305 Or App 503 (2020) :
- Successfully resolved a complex case involving an execution sale on membership interests in an LLC relating to land development.
- In a condemnation matter, used discovery and motion practice to obtain a pre-trial offer of judgment for \$800,000 more than the government's fair market value pre-suit offer, and at the same reduced the secured lender's claim by more than \$400,000, and also recovered attorney fees.
- Defended debtor in enforcement action brought by creditor which sought to collect on judgment in excess of \$20,000,000. Helped debtor to negotiate successful resolution.
- Worked with numerous surety bond issuers in resolving surety bond claims, including through use of interpleader actions, contractual indemnity obligations, and breach of contract claims.
- Used garnishment action to allege and prevail on claims that LLC members had improperly transferred assets to themselves, in order to assist judgment creditors in collecting on \$600,000 judgment against the LLC.
- Assisted an indigent homeowner in retaining her home in the face of an unlawful foreclosure sale.
- Negotiated a favorable settlement for a citizen opposing a transmission line facility in Eastern Oregon which was slated to run through his commercial property, severely hampering development, including appearing before the Oregon Public Utility District.
- Assisted local restaurant chain in trademark dispute with departed employees.

### **Agriculture**

- Represented hay farmer in two complex lawsuits over the management of a 640 acre hay farm. A successful resolution was negotiated after hard fought litigation.
- Assisted minority shareholder in obtaining value for his shares and preventing asset dissipation by majority shareholder in connection with agriculture cannabis operation in Eastern

Oregon, obtaining a favorable result in arbitration and then facilitating sale of the company to a third party.

- Successfully prosecuted a Central Oregon alfalfa farmer's claim against feed store for failure to properly spread contracted fertilizer across his 100+ acres of irrigated fields.

## **General Tort Matters**

- Successfully defended owner of vacation rental dwelling from \$740,000 claim alleging exposure that poor hot tub maintenance caused the plaintiff to contract legionnaire's disease.

## **Business Matters**

- Assisted a majority shareholder in defending his shares, their value, and his board position and authority in the face of hostile minority shareholders and an oppressive shareholders agreement.
- Provided general counsel and advice regarding contracts, marketing, and trade partner relations to a manufacturing corporation in the health care sector with annual sales in excess of \$20,000,000.
- Advised self-storage business on miscellaneous business formation, entity management, contract, and expansion issues.

## **Probate Matters**

- Assisted a protected person in obtaining a more limited guardianship and conservatorship, and ultimately freeing her from severe restrictions on her liberty.
- Through litigation and community activism we were able to help a protected person obtain appropriate fiduciary assistance at a much lower cost, and, most importantly to him, keep him living on his family farm embedded in his community.
- Assisted an interested person in intervening in her father's protected person proceeding, ultimately obtaining success in holding the guardian/conservator accountable for her misuse of estate property.
- Helped a trustee obtain dismissal of claims of mishandling of trust assets and commingling through forensic analysis and negotiation.
- Assisted a trustee of a large art-based endowment trust as she fought to protect it from those who would have changed the mission from that created by the original testator.

## **Appeals**

- Successful defense of appeal and prosecution of cross-appeal in case relating to use of garnishment to reach assets fraudulently transferred by a judgment debtor. On appeal, the trial court's judgment awarding my clients \$106,000 was affirmed; on cross-appeal the judgment denying them the remaining \$500,000 was reversed and remanded for further proceedings. *Twigg v. Opashl*, 316 Or App 775 (2022)
- Successful defense of appeal relating to a landlord's judgment for unpaid rent. The tenant argued that her abandonment of property upon her vacation of the premises precluded the landlord's claim. On appeal, the \$96,000 judgment for the landlord was protected. *Heald v. Elsasser*, A174155 (affirmed without opinion).
- Successfully obtained appellate relief for a judgment debtor from an oppressive trial court decision regarding an attorney fee lien which would have required the client to have paid the judgment at issue twice. *Jones v. Bhattacharyya*, 305 Or App 503 (2020) :
- Defended debtor in enforcement action brought by creditor which sought to collect on judgment in excess of \$20,000,000. Appeal filed and fully briefed, but settled before argument.
- Wrote briefs in support of assignee of bond-holder seeking to require surety company to perform bonded improvements to suburban residential development.

#### **Trucking Cases:**

- Defended multiple trucking liability claims involving accidents across the state of Oregon, with injuries from minor to catastrophic.
- Conducted numerous rapid responses to trucking incidents in order to provide on the ground lawyering and investigation across the state.
- Handled over a dozen Rapid Responses.

#### **PUBLICATIONS**

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- ["Challenging Assumptions: Does the use of work email accounts automatically waive the attorney-client privilege? The Oregon Supreme Court says no."](#), February 2024.
- "The Pros and Cons of the Attorney Fee Clause", Oregon Business Lawyer, March 2023.
- "Proving Lost Profit Claims," Construction Law Newsletter, Summer 2018.

- "Court of Appeals Continues to Broaden Coverage for Construction Defect Claims but Tosses Insurers a Procedural Bone," Construction Law Newsletter, June 2017.
- "Security Factors Heavily into Oregon's Construction Rules," Marijuana Venture, April 2017.
- "Oregon's Supreme Court Revives Statutory Damages Caps," Lorber Greenfield Polito, August 2016.
- "Oregon Supreme Court Clarifies Statute of Limitations," Lorber Greenfield Polito, July 2016.

## **ORGANIZATIONS**

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### **Professional Affiliations**

- Executive Committee – Agricultural Law Section, Oregon State Bar
- Oregon Association of Defense Counsel
- Federal Bar Association, District of Oregon
- Multnomah Bar Association
- Clackamas County Bar Association

### **Community Affiliations**

- School Advisory Committee – St. John the Apostle School, 2021-Present
- Jennings Lodge Community Planning Organization – 2013-2018
- Oak Lodge Water Services District – Budget Committee – 2018

## **PERSONAL INTERESTS**

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Outside the office I try to get outdoors, whether just exploring wild pockets of the neighborhood, or the grand forests, rivers and rocks of Mt. Hood. I enjoy gardening, building things, and making music. But in truth just spending quality time with my wife and four daughters takes up the vast majority of my extra-legal time.