

## **R. Daniel Carter and Benjamin Hodges** **Quoted in Law360's 'Washington Cases to** *Watch 2024: A Midyear Report'*

Media Mention

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*Foster Garvey Newsroom*

In the latest Law360 Midyear Report, Foster Garvey attorneys, [R. Daniel Carter](#) and [Benjamin Hodges](#) offer their legal perspectives on two noteworthy cases shaping Washington's legal landscape.

### **Climate Case Forum Battle**

The Makah and Shoalwater Bay Indian Tribes are pursuing legal action against major oil companies, claiming they misled consumers about the climate impacts of fossil fuels. The tribes are seeking damages to address the significant costs associated with rising sea levels, droughts and wildfires. Daniel explained that the important issue to be considered this year is whether damages to federally recognized Indian tribes and their lands raise inherent federal questions that preempt the state law jurisdiction. If the federal court issues a broad ruling upholding federal court jurisdiction, it could set a precedent limiting tribes' use of state courts for similar litigation. He also noted the central issue in the case will be whether tribes can successfully meet their burden of proving a direct link between the defendants and the tribes' damages, but noted it may take several years for the court to address that issue.

### **Patent Troll Law On Trial**

Washington state's lawsuit against Landmark Technology A LLC, accused of extorting small businesses through deceptive patent licensing demand letters, is scheduled for trial this fall. This case will test the efficacy of Washington's *Patent Troll Protection Act*, designed to curb abusive patent litigation. Ben highlighted the case's potential impact, suggesting it could serve as a test of the law's ability to deter patent trolls and that a victory for the attorney general could set a precedent for future actions against

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