

Litigation

Brownstein Hyatt Farber Schreck's attorneys litigate and try cases before federal and state courts at both the trial and appellate levels, government agencies and arbitration tribunals throughout the country. We are trial lawyers skilled in efficiently and effectively accomplishing our clients' objectives both in and out of the courtroom. We believe your goals are best attained through preparing with an expectation of trying and winning the case. Often, this approach enables our clients to succeed without a trial, but when a case is tried, we are known for our ability—and results—in court. We also represent clients' interests outside the courtroom in pre-litigation dispute resolution, advising on transactions and regulatory and administrative law issues.

We are more than 65 trial lawyers aligned behind one goal – to represent and defend your best interests. Our litigation team has specific experience in commercial litigation, antitrust, securities, intellectual property including patent litigation, environmental, water, land use, real estate, construction, telecommunications, bankruptcy, products liability and gaming, among other practice areas. Through the use of cost-saving technology, a national presence and established relationships, our offices offer a national capability to handle a full range of litigation needs.

Subpractices

- Antitrust
- Bankruptcy & Restructuring
- Class Action Litigation
- Commercial Litigation
- Construction
- Consumer Protection
- Employee Benefits
- Employment
- Energy
- Entertainment & Defamation
- Environmental & Remediation
- Family Law
- Government Investigations & White Collar Defense
- Health Care
- Political & Regulatory Law
- Securities Litigation & Enforcement
- Tax Litigation
- Water

Contacts

Eric R. Burris

505.724.9563

eburris@bhfs.com

Recognition

Chambers USA, 2019

Colorado: Litigation - General Commercial

What the team is known for: Maintains a fine reputation for its handling of a range of commercial disputes. Held in high regard for its expertise in securities, class actions and corporate governance litigation. Also

assists clients in pre-litigation dispute resolution. Advises corporates and high net worth individuals in sectors including real estate, healthcare and engineering. Further niche strength in acting on behalf of student loans companies.

Strengths: Clients comment: "They are very responsive, knowledgeable and sound in their advice."

Sources also appreciate the team's "great attention to clients' needs."

Nevada: Litigation - General Commercial

What the team is known for: Well-respected firm providing a strong commercial litigation offering to major gaming, manufacturing and financial services corporations. Demonstrates significant breadth of expertise in shareholder, derivative and breach of fiduciary duty claims. Well versed in handling disputes arising in the construction and healthcare arenas as well as a variety of other high-stakes business disputes. Also offers expertise in intellectual property and gaming law.

New Mexico: Litigation - General Commercial

What the team is known for: Provides advice to public and private entities on areas of litigation such as product liability, personal injury and wrongful death, and has acted for clients on class action, regulatory and software licensing issues. Has a solid following of clients in the healthcare, oil and gas and automotive industries, also working substantially with leading financial services providers. Particularly skilled in cost recovery litigation.

Strengths: "The team always knows the facts well and provides very helpful input on strategy and resolution," reports an interviewee.

Sources praise the team as "very hard-working and tenacious."

Representative Matters

- Secured early dismissal of individual defendant Chad Keck for lack of personal jurisdiction in multi-defendant complex litigation matter regarding United States rugby leagues in Boulder County District Court (Case No. 18CV30533).
- Successfully defeated numerous claims of discrimination, retaliation, and other torts through a four-day jury trial in federal court. Former Director of Human Resources for a professional services agency alleged claims of discrimination and retaliation and Title VII and the Equal Pay Act. Jury returned a verdict finding no discrimination or retaliation, and only awarded a token amount of damages in connection with a limited subset of the plaintiff's defamation claims.
- Representing nationwide debt settlement company in regulatory inquiry initiated by the Colorado Attorney General.
- Counseled major labor union in connection with regulatory inquiry involving a state agency.
- Represented Forest City Enterprises in successful appeals (Colorado Court of Appeals and Colorado Supreme Court) regarding master developer liability in Colorado.
- Ongoing representation of various financial services companies in investigations and litigation by state Attorneys General under the Uniform Consumer Credit Code and consumer protection laws.
- Successfully obtained protective orders for multiple pro bono individuals in matters involving domestic abuse, stalking, and harassment.
- Successfully assisted non-profit child care program in licensing transactions, investigations, and disputes with state regulatory agency.
- Successfully represented three mortgage originators in licensing investigation by a state regulatory agency. Achieved complete dismissal of the investigation, protecting all mortgage licenses at issue.
- Successfully represented real estate developer in appeal of lending dispute. *Champion Bank v. Bridgeport Corp.*, 2015 WL 9584899 (Colo. Ct. App.).

- Represented Guatemalan immigrant in Ninth Circuit appeal of removal order
- Successfully represented municipality in bench trial involving appealed enforcement action.
- Represents a number of oil and gas companies in obtaining state and local government land use and operating permits either through negotiation or litigation. Representation includes assisting companies in royalty, operating, and antitrust disputes with other operators.
- Successfully represented employers in EEOC, CCRD or other agency investigations and, if necessary, in litigation, including trying to a favorable decision a multi-week multi-plaintiff multi-million dollar case alleging discrimination and retaliation.
- Successfully defended 40 billion dollar pension fund against claims by Colorado State Treasurer for alleged breach of fiduciary duty and other claims. Trial court dismissed all claims on motion before trial. Successfully argued case before Colorado Court of Appeals, which affirmed trial court ruling.
- Brownstein attorneys won a broad reversal of the trial court's judgment in the complex, coordinated Quantification Settlement Agreement (QSA) cases. The trial-court judgment invalidated twelve of the historic QSA-related agreements, but as a result of this appellate decision, the largest agriculture-to-urban water transfers in United States history, and numerous Colorado River programs that have been created by the United States and other Colorado River Basin states based on the QSA, will continue to be implemented while the remaining issues are decided on remand by the trial court.
- On behalf of California building industry association, obtained invalidation of Numeric Effluent Limits in State Water Resources Control Board NPDES Construction General Permit for stormwater discharges. The Sacramento Superior Court invalidated NELs for turbidity and pH based on the Board's failure to support the NELs with sufficient evidence establishing that the NELs could be achieved, and its failure to undertake the necessary control technology analysis under the Clean Water Act for a NPDES permit.
- East Cherry Creek Valley Water and Sanitation District (ECCV) acquired shares in the Burlington Ditch and sought to convert them to municipal use. Water users opposing the application argued that the proposed change would injure their water rights by allowing ECCV to use more water after the change than the Burlington farmers had when using the water for agricultural purposes. In 2008, the Division 1 water court agreed and found ECCV's proposed use injurious, on May 31, 2011 the Colorado Supreme Court affirmed the decision. Brownstein led a group of five opposers at trial and on appeal.
- Successfully defended a client against most charges in a broad market conduct examination by the Colorado Division of Insurance, and representing the client on appeal of a single significant adverse ruling before the Colorado Court of Appeals.
- Successfully defended a medical malpractice insurer against charges in market conduct examination by the Colorado Division of Insurance; represented the insurer on appeal of an adverse ruling before the Colorado Court of Appeals.
- Litigation challenging State Board issued NPDES general permit for stormwater discharges associated with construction activities as violating the federal Clean Water Act and California's Porter-Cologne Act.
- Appeal surrounding challenges to the validation proceedings and CEQA compliance for a group of contracts between local, state, and federal governments regarding California water agencies' allocation of water from the Colorado River and the transfer of water from Imperial Irrigation District to San Diego County Water Authority .
- Part of litigation team that won dismissal of a Section 1 and Section 2 gas transportation antitrust case seeking more than \$100 million in Federal Court in Denver.
- Defend a financial services company in a Department of Justice criminal investigation.
- Represented various public entities on constitutional matters including the representation of the District Attorney's Office in a criminal constitutional challenge in a 4th Amendment case.
- Represented the Law School Admission Council (LSAC) in an American Disabilities Act challenge involving

test administering. She handled the case and a successful emergency appeal before an en banc 10th Circuit.

- Represented U.S. mortgage company in congressional and related criminal investigations. Persuaded Congress not to hold hearings or otherwise investigate the matter.
- Represented construction contractors for Colorado's \$1.8 billion T-REX highway and light rail expansion project, as well as for the state's \$845 million E-470 Public Highway Project, the \$425 million Northwest Parkway Public Highway Project, and the (ongoing) \$1.1 billion Central 70 Project for expansion and reconstruction of I-70 through Central and East Denver.
- Appellate counsel in challenge to CEQA compliance for composting project including challenges to water supply and greenhouse gas emissions.
- Defended providers of public accommodations and services against claims brought pursuant to the Americans with Disabilities Act.
- Provided appellate defense in Court of Appeals and Supreme Court of CEQA challenge to California Public Utilities' rulemaking related to liquefied natural gas (LNG) on behalf of major utility.

Publications

- Protecting Confidential Business Information
- Changes Coming for Colorado Landlords and Tenants
- Colorado Enacts Anti-SLAPP Law
- The Wire Act Applies Only to Sports Gambling, For Now
- Federal Court Applies Nevada's Interest Statute in FDCPA Case
- Colorado Bill Significantly Broadens Scope of the Consumer Protection Act
- The Wire Act Revisited: How the DOJ's Recent Reinterpretation May Affect Gaming in Nevada
- United States Supreme Court: Foreclosure Law Firms Likely Exempt from Federal Fair Debt Law
- Fintech Charter Fight Goes Beyond Regulatory Authority
- Not Your Typical Supreme Court Oral Argument
- A Broad Approach To Opt-Out Texts
- Colorado Legislature Will Consider Wide Range of Employment Bills
- Ballot Measure to Repeal Tabor Hits Snag at Title Board Hearing
- A Victory for Home Rule Independence: Court Limits Jurisdiction Over Home Rule Municipalities
- Congressional Investigations and the Attorney-Client Privilege
- Product Labeling Law: A Primer and a Warning for California Cannabis Executives
- Website Accessibility Lawsuits: Disabled Prospective Employees Sue for Inaccessible Online Application Processes
- The FCC Steps Up Efforts to Restrict "Robocalls"
- 3rd-Party Releases Bring Chapter 11 Venue Considerations
- Making Sure Patients Win During the Midterms: Health Care Employers' Voting Leave and Related Obligations
- DOJ Expands FCPA-Violation Self-Disclosure Incentive to the Health Care Industry
- DOJ Issues New Guidance on Corporate Monitors Reflecting More Pragmatic Approach
- Many Crypto Exchanges May Now Need Colorado Licenses
- ADA Compliance and the Impact of Hotel Renovations
- SEC Signals Changing Views on Regulation of Proxy Advisory Firms
- New Colorado Data Privacy Law: How it Affects Colorado Dentists
- FCC Seeks to Address Critical TCPA Issues after D.C. Circuit Loss
- The Gaming Industry is Susceptible to ADA Website Accessibility Lawsuits

- The D.C. Circuit Issues a Split Ruling on the FCC's 2015 Omnibus TCPA Order
- Colorado Supreme Court Clarifies Only Two- or Three-Year Statute of Limitations Applies to Colorado Wage Claim Act Claims
- NLRB Hands Down More Employer-Friendly Rulings
- Summary of Select New Laws Impacting California Employers
- Banks: Beware Next Wave Of Debit Card Class Actions
- Foreclosure Law Firms Get A Break At The 9th Circ.
- CPAs In The Spotlight: SEC Focus On Auditors And Auditing
- U.S. Court of Appeals Rules Current Structure of CFPB Unconstitutional
- New Jersey Courts Begin Limiting Broad Consumer Statute
- Brownstein Files Amicus Brief Urging U.S. Supreme Court to Protect the Neutrality of Arbitrators
- Supreme Court Recognizes Implied Certification Claims, With Limits
- CFPB Releases Proposed Rule Restricting Arbitration Clauses
- Implied Certification Liability under the FCA Could Expose Companies to Unforeseen Liability
- The CFPB Is Watching Online Marketplace Lending—So Should You
- Lawsuits - Analysis of Relevant Court Cases
- Anti-SLAPP — A Constitutional Tug-Of-War
- Alternative Dispute Resolution: Your Key to Staying Out of Court
- CFPB Offers Potential Benefits If You Turn Yourself In, But Make Sure You Understand Your Options
- Planning for and Taking Expert Depositions
- The Consumer Financial Protection Bureau
- The Consumer Financial Protection Bureau is Radically Changing the Playing Field for Financial Institutions
- Pros and Cons of Arbitration Clauses: Strategy and Drafting Considerations
- Nevada Corporate Law: Not Exactly the Delaware of the West
- Dispositive Motions
- How to Draft Effective Pleadings
- A Cross-Appeal Is Improper When It Would Not Expand the Scope of a District Court Judgment in Favor of the Cross-Appellant
- Client Alert: State Attorneys General
- Dismissal of Plaintiff's DJ Complaint for Lack of Personal Jurisdiction over Defendants Reversed
- Federal Legislation Rendering Certain Arbitration Clauses Unenforceable

News & Events

- Brownstein Announces 2019 Promotions
- Brownstein Announces Stan Garnett and Greg Brower as Government Investigations & White Collar Defense Co-Chairs
- Brownstein Hyatt Farber Schreck Expands its Telecommunications Practice with Michael Pryor
- Brownstein Hyatt Farber Schreck Welcomes Michael Freimann to its Employment Group in Denver
- Brownstein's Joshua Weiss Elected to Serve on the Center for Resource Conservation Board
- Brownstein's Eric Burris Named 2017 Benchmark Litigation Star
- Brownstein Hyatt Farber Schreck hired Thomas Krysa
- Brownstein Welcomes Former SEC Associate Director to Its Securities Litigation Team
- SEC regional official joins Brownstein law firm
- SEC Regional Enforcement Chief Heads To Brownstein Hyatt
- Brownstein Named Health Care Law Firm of the Year in New Mexico By Corporate INTL
- What Happens to Your Contract at Trial - A Cautionary Tale for Transactional Lawyers

- How to Argue Motions
- Brownstein Hyatt Farber Schreck Practices and Attorneys Well Represented In 2015 Chambers Rankings
- Brownstein Expands Litigation Department with Addition of Experienced Litigator Lee Crawford Boyd
- Brownstein Hyatt Farber Schreck Practices and Attorneys Well Represented in Chambers 2013 Rankings
- Emily Renwick Joins Litigation Department at Brownstein Hyatt Farber Schreck
- Brownstein Hyatt Farber Schreck Practices, Attorneys Well Represented in Chambers Rankings
- Litigation Program: Preparing for the Preliminary Injunction Hearing
- Brownstein Hyatt Farber Schreck Adds Top Players to Litigation Lineup
- Brownstein Hyatt Farber Schreck Lands Top Chamber Spots
- Leading Intellectual Property Attorney Jason Firth Joins Brownstein
- Fiduciary Duties of Trustees of Public Pension Funds.

Meet The Team

Kirk B. Lenhard	Shareholder	T 702.464.7045	klenhard@bhfs.com
Martha L. Fitzgerald	Shareholder	T 303.223.1472	mfitzgerald@bhfs.com
Mitchell J. Langberg	Shareholder	T 702.464.7098	mlangberg@bhfs.com
Michael A. Freimann	Shareholder	T 303.223.1195	mfreimann@bhfs.com
Adam K. Bult	Shareholder	T 702.464.7077	abult@bhfs.com
Mark F. Leonard	Shareholder	T 303.223.1128	mleonard@bhfs.com
Eric R. Burris	Shareholder	T 505.724.9563	eburris@bhfs.com
Gregory A. Brower	Shareholder	T 202.652.2340	gbrower@bhfs.com
Matthew C. Arentsen	Associate	T 303.223.1152	marentsen@bhfs.com
Richard B. Benenson	Managing Partner	T 303.223.1203	rbenenson@bhfs.com
Steven E. Abelman	Shareholder	T 303.223.1102	sabelman@bhfs.com
Sarah Auchterlonie	Shareholder	T 303.223.1228	sja@bhfs.com
Tony Arias	Associate	T 303.223.1281	tarias@bhfs.com
Beth Collins	Shareholder	T 805.882.1419	bcollins@bhfs.com
Daven P. Cameron	Associate	T 702.464.7041	dcameron@bhfs.com
Diane C. De Felice	Shareholder	T 310.500.4613	ddfelice@bhfs.com
Emily L. Dyer	Associate	T 702.464.7070	edyer@bhfs.com
Erin M. Eiselein	Shareholder	T 303.223.1251	eeiselein@bhfs.com
Frank M. Flansburg III	Shareholder	T 702.802.2205	fflansburg@bhfs.com
Craig M. Finger	Associate	T 303.223.1135	cfinger@bhfs.com
Hannah M. Caplan	Associate	T 303.223.1258	hcaplan@bhfs.com
Hubert A. Farbes, Jr.	Shareholder	T 303.223.1186	hfarbes@bhfs.com

Brownstein Hyatt Farber Schreck

Justin L. Cohen	Shareholder	T 303.223.1254	jcohen@bhfs.com
Michael F. Feeley	Shareholder	T 303.223.1237	mfeeley@bhfs.com
Maximilien D. Fetaz	Associate	T 702.464.7083	mfetaz@bhfs.com
Julian R. Ellis, Jr.	Associate	T 303.223.1142	jellis@bhfs.com
Sherli Frank	Associate	T 310.500.4618	sfrank@bhfs.com
Travis F. Chance	Associate	T 702.464.7096	tchance@bhfs.com
Troy P. Domina	Associate	T 702.802.2210	tdomina@bhfs.com
Wayne F. Forman	Shareholder	T 303.223.1120	wforman@bhfs.com
Allison L. Gambill	Of Counsel	T 303.223.1175	agambill@bhfs.com
Alissa H. Gardenswartz	Shareholder	T 303.223.1207	agardenswartz@bhfs.com
Amanda K. Houseal	Associate	T 303.223.1247	ahouseal@bhfs.com
Christine A. Jochim	Shareholder	T 303.223.1163	cjochim@bhfs.com
Carrie E. Johnson	Shareholder	T 303.223.1198	cjohnson@bhfs.com
Emily R. Garnett	Associate	T 303.223.1171	egarnett@bhfs.com
Van Aaron Hughes	Of Counsel	T 303.223.1253	vhughes@bhfs.com
Joshua M. Hantman	Shareholder	T 303.223.1216	jhantman@bhfs.com
Lisa Hogan	Shareholder	T 303.223.1185	lhogan@bhfs.com
Lorena B. Hutton	Associate	T 505.724.9566	lhutton@bhfs.com
Marckia L. Hayes	Associate	T 702.464.7049	mhayes@bhfs.com
Stanley L. Garnett	Shareholder	T 303.223.1286	sgarnett@bhfs.com
Stephanie Osler Hastings	Shareholder	T 805.882.1415	shastings@bhfs.com
Thomas J. Krysa	Shareholder	T 303.223.1270	tkrysa@bhfs.com
Anna-Liisa Mullis	Associate	T 303.223.1165	amullis@bhfs.com
Bryce C. Loveland	Shareholder	T 702.464.7024	bcloveland@bhfs.com
Cassandra R. Malone	Of Counsel	T 505.724.9587	crmalone@bhfs.com
Chloe Mickel	Associate	T 303.223.1178	cmickel@bhfs.com
Christopher O. Murray	Shareholder	T 303.223.1183	cmurray@bhfs.com
Darryl T. Landahl	Shareholder	T 303.223.1244	dlandahl@bhfs.com
David B. Meschke	Associate	T 303.223.1219	dmeschke@bhfs.com
Laura Bielinski Langberg	Of Counsel	T 702.464.7046	llangberg@bhfs.com
Mark J. Mathews	Shareholder	T 303.223.1179	mmathews@bhfs.com

Mark M. Oveson	Shareholder	T 303.223.1127	moveson@bhfs.com
Debashree Nandy	Associate	T 505.724.9578	rnandy@bhfs.com
Andrew J. Roth-Moore	Associate	T 303.223.1287	aroth-moore@bhfs.com
Adam P. Segal	Shareholder	T 702.464.7001	asegal@bhfs.com
Christine A. Samsel	Shareholder	T 303.223.1133	csamsel@bhfs.com
Connor H. Shea	Associate	T 702.802.2208	cshea@bhfs.com
Hal Stratton	Shareholder	T 505.724.9596	hstratton@bhfs.com
Ishra K. Solieman	Staff Attorney	T 303.260.1880	isolieman@bhfs.com
Jonathan G. Pray	Shareholder	T 303.223.1211	jpray@bhfs.com
Jonathan C. Sandler	Shareholder	T 310.564.8672	jsandler@bhfs.com
Jesse D. Sutz	Associate	T 303.223.1285	jsutz@bhfs.com
Michael J. Pankow	Shareholder	T 303.223.1106	mpankow@bhfs.com
Michael H. Pryor	Shareholder	T 202.383.4706	mpryor@bhfs.com
Michael P. Smith	Associate	T 303.223.1150	msmith@bhfs.com
Nicholas R. Santucci	Associate	T 303.223.1246	nsantucci@bhfs.com
Patrick J. Reilly	Shareholder	T 702.464.7033	preilly@bhfs.com
Ronda L. Sandquist	Shareholder	T 303.223.1191	rsandquist@bhfs.com
Samuel A. Schwartz	Shareholder	T 702.382.2101	saschwartz@bhfs.com
Steven O. Sims	Shareholder	T 303.223.1149	ssims@bhfs.com
Scott S. Slater	Shareholder	T 310.500.4600	sslater@bhfs.com
Arthur Zorio	Shareholder	T 775.398.3812	azorio@bhfs.com
Gina L. Tincher	Staff Attorney	T 303.223.1255	gtincher@bhfs.com
Joshua A. Weiss	Associate	T 303-223-1268	jweiss@bhfs.com
Kevin P. Walsh	Of Counsel	T 303.223.1249	kwalsh@bhfs.com
Mackenzie Warren	Policy Advisor and Associate	T 702.464.7048	mwarren@bhfs.com
Martine Tariot Wells	Shareholder	T 303.223.1213	mwells@bhfs.com
Michael C. Zehner	Associate	T 303.223.1260	mzehner@bhfs.com
Allecia Cavallaro	Paralegal	T 303.223.1367	acavallaro@bhfs.com
Sheila M. Grisham	Paralegal	T 303.223.1377	sgrisham@bhfs.com
Kara Kenfield	Paralegal	T 303.223.1485	kkenfield@bhfs.com

Brownstein Hyatt Farber Schreck

Kate M. Meade	Paralegal	T 303.223.1339	kmeade@bhfs.com
Paulette M. Chesson	Paralegal/Paralegal Coordinator	T 303.223.1325	pchesson@bhfs.com
Penny G. Lalonde	Paralegal	T 303.223.1337	plalonde@bhfs.com
