



MICHAEL J. HOFMANN

Partner
Denver

E: michael.hofmann@bclplaw.com

T: [+1 303 866 0257](tel:+13038660257)

BIOGRAPHY

An American Lawyer "Litigator of the Week" and a 2024 BTI client service all-star, Michael Hofmann is a partner in the Denver office and a member of the firm's Complex Commercial Litigation practice group. With significant trial and appellate experience, Mr. Hofmann brings clarity to obscure and rigorous topics. In complicated situations, he ensures that focus is maintained and client objectives are primary.

With a practice centering on complex commercial and appellate litigation, most recently involving fiduciary duty, antitrust, securities, intellectual property, bankruptcy, and commercial breach of contract cases, Mr. Hofmann also has extensive experience with putative class actions. He has represented clients in federal and state courts in Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, New Jersey, New York, Nevada, Pennsylvania and before the Fifth, Ninth, Tenth, and Eleventh circuits.

AREAS OF FOCUS

- Data Centers & Digital Infrastructure

CIVIC INVOLVEMENT & HONORS

- *The Best Lawyers in America*, Commercial Litigation and Criminal Defense: White Collar, 2024
- *BTI Client Service All-Star*, 2024
- Litigator of the Week, *American Lawyer*, 2022
- *Colorado Super Lawyers*, 2012–2016

PROFESSIONAL AFFILIATIONS

- Colorado Judicial Institute, 2009–2013
- Faculty of Federal Advocates, 2000–present
- Colorado Lawyers' Committee, Board Representative, 2007–2009
- Colorado Supreme Court Civil Rule Committee, 2020 - Present

CLERKSHIPS

Clerkship, Honorable Michael J. Melloy, U.S. District Court for the Northern District of Iowa, 1996-1998

ADMISSIONS

- Colorado, 1998
- United States Courts of Appeals for the Fifth, Eighth, Ninth, and Tenth Circuits
United States District Courts for the District of Colorado, Eastern and Western Districts of Arkansas, and Northern District of Iowa

EDUCATION

Yale University, J.D., 1996

RELATED CAPABILITIES

- Appellate
- Business & Commercial Disputes
- Investigations
- Litigation & Dispute Resolution
- Real Estate
- False Claims Act
- Securities Litigation and Enforcement

EXPERIENCE

- *Leprino v. Leprino Foods Co.*, 2024 WL 4029806 (Colo. App. 2024), *cert. denied*, 2024 WL 3862495 (Colo. 2024) (affirming judgment in favor of client in billion-dollar breach of fiduciary duty and corporate dissolution case)
- *Stone v. Vail Resorts Dev. Co.*, 2024 WL 1617946 (10th Cir. 2024) (affirming judgment in commercial dispute)
- *Weimer v. Microsoft Corp.*, 2023 WL 4348096 (9th Cir. 2023) (affirming judgment for Google)
- *McAuliffe v. Vail Corp.*, 69 F.4th 1130 (10th Cir. 2023) (affirming enforceability of no-refund clause; case dismissed after remand with no further appeal)
- *Lodge Props., Inc. v. Eagle Cnty. Brd. of Equalization*, 504 P.3d 960 (Colo. 2022) (reversing court of appeals and deciding property tax issue in client's favor)
- *Holzner v. DaVita, Inc.*, 2022 WL 726929 (9th Cir. 2022) (affirming judgment in client's favor in False Claims Act case)
- *In re Kim*, 809 Fed. Appx 527 (10th Cir. 2020) (affirming judgment for client in "lost note" case)
- *Brigance v. Vail Summit Resorts, Inc.*, 883 F.3d 1243 (10th Cir. 2018) (affirming enforceability of ski pass waiver)
- *Ravenstar v. One Ski Hill Place, LLC*, 401 P.3d 552 (Colo. 2017) (affirming enforceability of liquidated damages provision)

- *Auraria Student Housing at the Regency, LLC v. Campus Village Apartments, LLC*, 843 F.3d 1225 (10th Cir. 2016) (overruling prior circuit precedent and vacating adverse judgment against client)
- *BNSF Railway Co. v. Alstom Trans. Inc.*, 777 F.3d 785 (5th Cir. 2015) (vacating adverse judgment and remanding for entry of judgment in client's favor)
- *Williams v. Crop Production Servs., Inc.*, 361 P.3d 1075 (Colo. App. 2015) (affirming judgment dismissing as untimely a complaint filed one day late)
- *United States v. Chemical & Metal Indus., Inc.*, 677 F.3d 750 (5th Cir. 2012) (reducing criminal restitution order against client from \$3,000,000 to \$500,000)
- *Derkevorkian v. Lionbridge Tech., Inc.*, 316 Fed. Appx 727 (10th Cir. 2008) (vacating damages award against client and remanding for new trial)

RELATED INSIGHTS

News

Jun 07, 2024

BCLP Partner Michael Hofmann recognized as a BTI Client Service All-Star

Awards

Aug 17, 2023

The Best Lawyers in America® 2024

Awards

Aug 18, 2022

The Best Lawyers in America© 2023