



## **PAUL J. LOPACH**

**Partner**  
**Denver**

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## **BIOGRAPHY**

Paul is a litigation partner in the firm's Mass Tort & Class Action Practice Group. Paul served as Managing Partner of the Denver office from 2016 to 2024, and he currently serves on the firm's worldwide board.

Paul has a nationwide litigation practice, having handled lawsuits or pre-litigation disputes in over forty states. He guides companies and individuals through critical disputes, litigation, and crisis scenarios. His clients span a variety of industries, including agriculture, transportation, mining, oil & gas, renewable energy, higher education, and retail & consumer products. Paul routinely handles matters involving chemical releases and exposure, catastrophic personal injury, wrongful death, commercial disputes, post-closing M&A disputes, trade secrets litigation, and employment litigation.

Paul started his legal career in his hometown of Missoula, Montana, where his practice focused on commercial disputes and transportation industry litigation. His practice in Montana was heavily devoted to toxic tort litigation, including work on scores of cases and claims arising from a 1996 train derailment and mixed chemical spill in western Montana that involved a multi-week evacuation of the town of Alberton and the closure of Interstate 90. Paul was a member of the defense team in *Austin v. Montana Rail Link, Inc.*, which the National Law Journal recognized as the Top Toxic Tort Defense Verdict of 2001.

Since moving to Colorado over twenty years ago, Paul's practice has continued to focus on assisting clients resolve their most critical issues and disputes. Paul routinely counsels companies through high stakes litigation and their responses to crisis incidents and investigations.

A skilled trial lawyer, Paul has tried numerous jury and bench trials in state and federal courts across the country.

Paul and his wife, a physician and faculty member at the University of Colorado School of Medicine, are the proud parents of two daughters. When he is not at the office or attending his girls' sporting events and dance recitals, Paul is an avid outdoorsman and particularly enjoys fly fishing and bird hunting.

## CIVIC INVOLVEMENT & HONORS

- *Super Lawyers*, Colorado, 2013–2018
- *Super Lawyers Rising Star*, Colorado, 2010–2011
- AV Rated by Martindale-Hubbell, AV® Preeminent™ 4.8 out of 5

## PROFESSIONAL AFFILIATIONS

- New Genesis Homeless Shelter, Board of Directors, 2010–2016
- Notre Dame Alumni Club of Denver, Board of Directors, 2008–present; Club President, 2016–2017

A skilled trial lawyer, Paul has tried numerous jury and bench trials in state and federal court. He recently represented a medical device distributor in a five-day federal jury trial and obtained a \$957,000 verdict (including pre-judgment interest) on claims for breach of contract and civil conspiracy. Paul has tried cases on behalf of natural resource companies and railroads. He was a member of the defense team in *Austin v. Montana Rail Link, Inc.*, which the National Law Journal

recognized as the Top Toxic Tort Defense Verdict of 2001. Paul has represented corporate clients in toxic tort litigation in several Western states, including personal injury and property damage claims arising from mixed chemical releases and asbestos-related exposures.

## **CONSUMER FINANCIAL SERVICES LITIGATION**

Paul's practice also focuses on consumer financial services litigation. He represents financial institutions in complex business litigation matters both locally and nationally before state and federal courts. Paul has defended financial institutions in a variety of cases, including matters alleging violations of the Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA), Real Estate Settlement Procedures Act (RESPA), Fair Debt Collection Practices Act (FDCPA), the Telephone Consumer Protection Act (TCPA), as well as state unfair and deceptive acts or practices (UDAP) statutes and other consumer lending statutes and regulations.

Paul also represents businesses in the health and fitness club industry on a wide variety of matters, ranging from disputes arising from the construction of new facilities to personal injury lawsuits involving negligence and product liability claims.

Paul successfully first-chaired a multimillion dollar arbitration on behalf of a Fortune 500 telecommunications company and has litigated various contract lawsuits, trade regulation matters, and breach of fiduciary duty cases. He also represents various corporate clients in patent infringement lawsuits, copyright disputes, and other intellectual property-related litigation.

## **ADMISSIONS**

- Colorado, 2003
- Montana, 1997
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Montana
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Colorado
- Supreme Court of the United States

## **EDUCATION**

The University of Montana, J.D., 1997

## **RELATED PRACTICE AREAS**

- Business & Commercial Disputes
- Ethylene Oxide Team
- Campus Free Expression
- Energy Transition
- Environmental and Toxic Tort Team
- Oil, Gas and LNG
- Brownfields
- Citizen Suits/NIMBY
- Clean Air Act
- Clean Water Law
- Compliance Audits and Internal Investigations
- Cost Recovery Litigation (Superfund/CERCLA and State equivalents)
- Criminal Enforcement
- Endangered Species (ESA)
- Environmental Review (NEPA and State EIS laws)
- Hazardous Materials Transportation (HMTA)
- Hazardous Waste (RCRA)
- Insurance Counseling
- Oil Spills
- Pesticides (FIFRA)
- Reporting Requirements (EPCRA, CERCLA, Prop 65 and other state laws)
- Safe Drinking Water (SDWA)
- Solid Waste and Landfills
- Toxic Substances Regulation (TSCA)
- Transactional Work, Including SEC Disclosures
- Underground Injection Control (UIC)
- Water Rights
- Wetlands
- Mobile Source Emissions and Fleet Management
- Environment
- Real Estate
- Healthcare & Life Sciences
- Employment & Labor
- Cross-border Employment Issues
- Telephone Consumer Protection Act (TCPA)
- Financial Services

- Catastrophic Accidents
- Consumer Fraud
- Consumer Products
- Food, Ag & Nutrition
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Pharmaceutical & Medical Devices (Mass Torts)
- Litigation & Dispute Resolution
- Agribusiness
- Agtech & Biotech
- Food & Beverage
- Pubs, Clubs & Restaurants
- Mining & Metals
- Class Actions
- Investigations
- Regulation, Compliance & Advisory
- Higher Education Team
- Food & Agribusiness
- Mass Torts & Product Liability

## EXPERIENCE

- *Federal Trade Commission v. Your Magazine Provider* – Successfully defended telemarketing firm against Federal Trade Commission claims
- *State Farm Property and Casualty Company v. Gateway, Inc.* – Successfully defended computer manufacturer in subrogation action involving product liability claims
- *Low v. Nautilus, Inc.* – Successfully defended manufacturer of fitness equipment in action involving negligence and product liability claims
- *Great Divider Golf, Inc. v. Sun Mountain Sports, Inc.* – Successfully defended golf bag manufacturer against patent infringement claims
- *Ohio Spine Network, Inc. v. Lanx, Inc.* – Obtained jury verdict of \$957,000 (including interest) against medical device manufacturer for breach of a distribution agreement and civil conspiracy
- *GAF Materials Corporation v. LTF Real Estate Company, Inc. and FCA Construction, LLC* – Successfully defended Life Time Fitness against claims for unjust enrichment, conversion,

and foreclosure of mechanic's lien brought by roofing materials supplier

## RELATED INSIGHTS

News

May 24, 2024

**BCLP trial team saves client from monetary reputational damages in years-long dispute**

News

May 24, 2024

**BCLP's strategic defense in herbicide dispute secures win for Nutrien Ag Solutions, Inc.**

Awards

Mar 26, 2021

**Acritas Stars recognizes 55 BCLP lawyers for outstanding client service**