



TIMOTHY R. BEYER

Partner
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BIOGRAPHY

Tim is an experienced trial attorney, focusing on antitrust and other commercial and complex litigation, international and U.S. arbitrations, and appeals. In his 40-year practice he has tried more than 35 cases in many areas, including antitrust, securities, telecommunications and oil & gas. He has argued and won appeals in the Tenth Circuit and Third Circuit courts of appeals, the Missouri Supreme Court, the Colorado Court of Appeals, and the Missouri Court of Appeals.

In antitrust, Tim is currently lead counsel in defending several real estate brokerages in the nationwide class action real estate commission cases, is representing a defendant in the Red Meat wage-fixing class action, and is representing a defendant in the Home Lots price-fixing class action. He recently secured a dismissal on behalf of a defendant in the Real Page algorithmic rent-fixing student housing class action MDL case. He won a complete defense judgment after a month-long trial in Denver federal court in an oil and gas Section 1 case in which plaintiff sought in excess of

\$1 billion in trebled damages, won summary judgments in 2 other oil and gas cases and successfully argued the appeals in the Tenth Circuit, and was lead counsel for Qwest Communications in the landmark U.S. Supreme Court case *Bell Atlantic v. Twombly*.

Other trial successes include a complete defense judgment in a multi-million dollar breach of fiduciary duty case on behalf of the manager of an LLC, a bet-the-company trial in the golf industry, a \$50 million win in a municipal business license tax trial in St. Louis and subsequent successful argument in the Missouri Supreme Court, a FINRA arbitration, and a successful argument in the Missouri Court of Appeals securing the reversal of a \$55 million adverse judgment.

In his international arbitration practice, Tim achieved successful outcomes in a \$30 million arbitration in the London Court of International Arbitration (“LCIA”) in the telecom industry and in an LCIA oil and gas arbitration involving claims in excess of \$100 million. Tim’s practice also involves representing companies and individuals in government investigations brought by the Department of Justice, Federal Trade Commission, Securities and Exchange Commission, Commodity Futures Trading Commission and Colorado Attorney General.

Tim was named Colorado Antitrust “Lawyer of the Year” by Best Lawyers in America in 2020; has been listed annually in Chambers USA for commercial litigation and in Best Lawyers in America for commercial litigation, antitrust litigation and Securities/Capital Markets law; and has been named in Colorado Super Lawyers and in 5280 Magazine’s Denver’s Top Attorneys for Antitrust. Tim is also a fellow of the American Bar Foundation and is a past Fellow of Litigation Council of America.

CIVIC INVOLVEMENT & HONORS

- *Chambers USA*, America's Leading Business Lawyers (2008-Present)
- *Best Lawyers in America* – Lawyer of the Year in Litigation – Antitrust in Denver (2022)
- *Best Lawyers in America*, 2011-Present
- 5280 Magazine's *Denver's Top Attorneys* - Antitrust
- Colorado *Super Lawyers*
- Fellow, American Bar Foundation

PROFESSIONAL AFFILIATIONS

- American Bar Association
- Colorado Bar Association

ADMISSIONS

- Colorado, 1982
- United States Supreme Court
United States Courts of Appeals for the Third, Ninth and Tenth Circuits
United States District Court for the District of Colorado

EDUCATION

University of Michigan Law School, J.D., 1982

University of Michigan, B.A., with honors, 1978

RELATED CAPABILITIES

- Business & Commercial Disputes
- Financial Institutions
- Finance
- Litigation & Dispute Resolution
- Antitrust Class Actions
- Shareholder Securities and Mergers & Acquisitions
- Food, Ag & Nutrition (Class Actions)
- Employment Class & Collective Actions
- Sports (Class Actions)
- Data Privacy, Telecommunications & Collections
- Environmental and Toxic Tort
- Energy Transition
- M&A Disputes
- Class Actions
- Appellate
- Securities Litigation and Enforcement
- Oil, Gas & Sustainable Fuels
- Antitrust & Competition
- Investigations
- Regulation, Compliance & Advisory
- Financial Services

EXPERIENCE

ANTITRUST

- Secured Dismissal For a Defendant in Real Page class action antitrust case alleging price fixing in student housing.
- Currently representing a Defendant in Red Meat class action antitrust case alleging wage fixing among red meat processors.
- Currently representing a Defendant in Home Lots class action antitrust case alleging price fixing in mobile homes.
- Currently representing Defendants in class action antitrust cases in multiple jurisdictions alleging price fixing in real estate commissions.
- Lead counsel for Qwest Communications in landmark case of *Bell Atlantic v. Twombly*, 550 U.S. 544.
- Won complete defense verdict after trial on Section 1 bid-rigging claim in oil and gas case in which actual damages sought (before trebling) were up to \$350 million.
- Won summary judgment in federal court (D. Colo.) in gas transportation case alleging conspiracy to monopolize and concerted refusal to deal, in which Plaintiff sought damages in excess of \$300 million. Successfully argued appeal in Tenth Circuit Court of Appeals. *Buccaneer Energy (USA) Inc. v. Gunnison Energy Corporation*, 846 F.3d 1297 (10th Cir. 2017)
- Successfully defended the International Cricket Council in an antitrust bid rigging case brought in federal court in Denver by the unsuccessful bidder in an RFP process to start a sanctioned cricket league in the US. Obtained dismissal.
- Won dismissal in federal court (D. Colo.) in a Section 1 and Section 2 oil and gas antitrust case seeking more than \$100 million. Successfully argued appeal in Tenth Circuit Court of Appeals. *Riviera Drilling & Exploration Co. v. Gunnison Energy Corp.*, 412 Fed. Appx. 89 (10th Cir. 2011)
- Achieved settlement under Tunney Act of DOJ antitrust case and related False Claims Act case involving claims of bid rigging in BLM auction for federal oil and gas leases. *United States of America v. SG Interests I, Ltd., et al.*, Dist. Ct. Colo. 12CV00395 (2012 BL 327120)
- Represented one of six defendants in a Section 1 antitrust case in federal court in Oklahoma City (W.D. Okla.), in which Plaintiff sought more than \$500 million in lost profits damages. After seven years of litigation, including a precedent setting decision by the 10th Circuit on the standard for direct evidence of conspiracy, the case settled during trial. *Champagne Metals v. Ken-Mac Metals, Inc.*, 458 F.3d 1073 (10th Cir. 2006)

- Successfully defended Trans-Canada Pipelines in a gas transportation antitrust case in Federal Court in Montana. *Paladin Associates, Inc. v. Montana Power Co*, 97 F. Supp. 2d 1013 (D. Mont. 2000)
- Defended Coach (USA) in an antitrust case brought in California state court under Cartwright Act.
- Represented United Airlines in an antitrust investigation by the Colorado Attorney General involving air service to rural airports in Colorado.

SECURITIES

- Won defense verdict in trial in Denver District Court in multi-million dollar breach of fiduciary duty claim involving securities trading activities of an LLC manager.
- Obtained successful outcome in a FINRA arbitration in which the claimant sought millions in commissions from an investment fund in the FCC spectrum auction business.
- Helped secure dismissal on behalf of officers and directors of Quiznos in securities fraud case brought in federal court in Denver (D. Colo.) by distressed debt investors, arising out of 2012 restructuring. Dismissal was affirmed on appeal. *Capital Mgmt. II, LP v. Schaden*, 843 F.3d 876 (10th Cir. 2016)
- Represented officers and directors of Teletech Holdings Inc. in the \$11 million settlement of a class action securities fraud case in the Southern District of New York and a shareholder derivative case in Delaware, involving allegations of options backdating.
- Represented officers and directors of Delta Petroleum Company in shareholder derivative suit in federal court in Denver, involving allegations of options backdating; obtained dismissal of all claims.
- Represented the lead defendant in federal court case brought by the Commodities Future Trading Commission (CFTC) alleging manipulation of natural gas trading markets.
- Argued and won appeal (2013) in Colorado Court of Appeals, reversing trial court decision on \$7.5 million contract case involving sale of securities.

OTHER OIL AND GAS CASES

- LCIA arbitration in London involving \$100 million in post-closing adjustments arising from sale of international oil and gas assets.
- Obtained dismissal of all claims against oil company brought in Denver District Court by overriding royalty owner.

- Won trial in Colorado state court, involving control of a \$90 million natural gas pipeline. Argued and won appeal (2014) in Colorado Court of Appeals. *Gunnison Energy Corp. v. SG Interests I, Ltd.*
- Won arbitration involving control of a jointly owned natural gas pipeline.

Other Telecom Cases

- Won bench trial in Missouri on behalf of CenturyLink against municipalities' claims for additional business license tax. Plaintiff cities sought more than \$48 million in tax and penalties and recovered less than \$2 million. Argued case before Missouri Supreme Court, which issued landmark opinion affirming client's trial success.
- Argued and won complete reversal in Missouri Court of Appeals of \$55 million dollar judgment in municipal business license tax case.
- LCIA arbitration in London involving data center colocation contract dispute.
- Won jury trial and appeal for Qwest Communications in a \$10 million dollar claim case alleging negligence in listing the plaintiff in books and directory assistance.
- Lead trial counsel in two-week arbitration for Qwest Communications in wholesale pricing dispute, before JAMS in New York; won \$10 million award.
- Won summary judgment for Qwest Communications in a case alleging negligence in the disclosure of a Boulder County safehouse and successfully argued case on appeal. *Safehouse Progressive Alliance for Nonviolence, Inc. v. Qwest*, 174 P.3d 821 (Colo. Ct. App. 2007)
- Represented Qwest Communications in a nationwide consumer fraud class action in Madison County, Illinois, involving the Universal Services Fund.

RESOURCES

PUBLICATIONS

- "Tangled Relationships: Antitrust Considerations, Recent Enforcement Actions, and Proposed Solutions When Using AMIs and Other Forms of Collaboration in Acquiring Leases," 59 *Rocky Mt. Min. L. Inst.* 13-1 (2013)
- "Pleading Standards After Twombly: Surviving a Motion to Dismiss," *The Colorado Lawyer*, April 2008

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