



# Murphy & Decker, P.C.

ATTORNEYS AT LAW

## Experienced. Trusted. Results.

Murphy & Decker, P.C., is committed to achieving a great result for every client. The experienced lawyers at our firm have successfully resolved multimillion-dollar cases in and outside of the courtroom. When parties in a dispute cannot reach an agreement, our attorneys know how to go to trial and win.

The firm has enjoyed strong relationships with a variety of insurance carriers from its inception. We have regularly been listed in A.M. Best's Directories of Recommended Insurance Attorneys. Since 1927, these directories have been leading publications in the insurance defense industry and premier reference tools for locating client-recommended attorneys. The firm has also been listed in *The Best Lawyers in America* for the past several years. Every year, a number of our lawyers are honored with recognition as *Colorado Super Lawyers*. Founding partners Dan Murphy and Mike Decker have received AV-Preeminent ratings from Martindale Hubbell, which is the highest possible rating for legal ability and ethical standards based on reviews from fellow lawyers and judges.

The lawyers at Murphy & Decker, P.C., focus on the following practice areas:

- Construction law
- Insurance defense
- Professional negligence, including defense of architects and engineers
- Personal injury
- Complex litigation
- Commercial law
- Appellate law

Our goal is to provide top-quality legal representation with the personal attention that our clients deserve. We also provide insurance carriers with the level of service and commitment that they need from litigation counsel to strategically resolve claims in an efficient way.

This brochure contains a listing of representative cases and accomplishments. We believe that this track record is the best demonstration of the quality services we provide to our clients.

Attorneys at our firm are licensed to handle legal matters in Colorado and Wyoming. Our main office is conveniently located in the heart of the 17<sup>th</sup> Street legal district in downtown Denver, Colorado. We have a second office location in Cheyenne, Wyoming.

# Murphy & Decker, P.C.

## Attorneys at Law

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### **DANIEL P. MURPHY** **Professional Biography**

For over 25 years, Dan Murphy has been a civil litigator specializing in the representation of insurance companies and their insureds. Mr. Murphy has tried more than 125 jury trials and more than 50 bench trials. He has achieved an AV-Preeminent Peer Rating in Martindale-Hubbell, the highest possible rating recognizing preeminent legal ability and ethical conduct. He has been recognized as a “Colorado Super Lawyer” by *Law & Politics Magazine* every year since 2010.

Mr. Murphy is a dynamic trial lawyer who brings a “common sense” approach to every case. He understands the unique objectives for each case and works with his clients to develop a game plan for reaching the best result.

Mr. Murphy has substantial expertise in the area of construction law. He represents developers, general contractors, subcontractors, and design professionals in a wide variety of construction litigation, arbitrations, and contractual matters. Over the years he has handled insurance-related litigation involving hundreds of millions of dollars in claimed damages. Mr. Murphy is one of only a handful of Colorado lawyers who has obtained a complete defense jury verdict in a residential construction defect case.

Mr. Murphy is also well-experienced with the defense of catastrophic and large loss civil claims, including claims for wrongful death and significant personal injuries. In many cases, he is retained following a catastrophic loss before suit is even filed so that he can work with the client to minimize potential liability from the onset of a possible claim. Mr. Murphy stays up to date on the increasingly organized tactics being used by leading plaintiff counsel and develops strategies to neutralize them. Most recently, he obtained a complete defense jury

verdict in a case against one of the most prominent plaintiff's counsel in the Western United States where the claimed damages were over \$10 million.

In addition to his active litigation practice, Mr. Murphy regularly speaks to trade and professional groups to provide them with updates on key legal areas and to assist with the development of risk management and mitigation practices.

**Areas of practice**

- Construction Defect
- Construction Liability
- Auto
- CGL
- Commercial Litigation
- Civil Litigation
- Commercial Law
- Insurance defense

**Admitted to practice**

- Colorado, 1986
- U.S. District Court, District of Colorado

**Awards**

- AV® Preeminent™ Peer Review Rating<sup>SM</sup> by Martindale-Hubbell®
- Colorado Super Lawyer in 2010, 2011, 2012, 2013, 2014, and 2015

**Education**

- University of Wyoming College of Law, *Juris Doctorate*
- Regis University, *cum laude*

**Community activities**

- Contributing author to *The Practitioner's Guide to Colorado Construction Law*
- Frequent lecturer on Colorado law to trade and industry groups

**Professional associations**

- Denver Bar Association
- Colorado Bar Association

## Attorneys at Law



### **MICHAEL J. DECKER** **Professional Biography**

Mike Decker is an experienced litigator who practices in the areas of construction law, insurance defense, and complex commercial litigation. He has received defense verdicts following jury trials in multiple Colorado and Wyoming courts.

Mr. Decker has received an “AV Preeminent” rating from Martindale-Hubbell, which is the highest possible rating for legal ability and ethical conduct. He has been recognized as a “Colorado Super Lawyer” for the practice of areas of civil litigation and construction law every year since 2012. Only 5% of all lawyers in Colorado receive this distinction each year and Mr. Decker was one of the few attorneys to accomplish this recognition under the age of 40.

Throughout his career, Mr. Decker has enjoyed a strong relationship with several national insurance carriers. Both Mr. Decker and the firm are listed in Best’s Directory of Recommended Insurance Attorneys and are panel counsel for a number of carriers in Colorado and Wyoming. Mr. Decker has been recognized in multiple editions of *The Best Lawyers in America* and he is honored in the current edition of *Best Lawyers* in the areas of Commercial Litigation and Construction Litigation.

Mr. Decker has acted as lead litigation counsel in more than 100 construction defect actions. He currently represents general contractors, trade contractors, and design professionals in litigated disputes and contractual negotiations. Mr. Decker frequently speaks to construction and insurance industry groups on topics relating to construction law, litigation tactics, contractual and risk management strategies, and insurance issues. He has also been a past contributing author to *The Practitioner’s Guide to Colorado Construction Law*.

Over the past 20 years, Mr. Decker has successfully litigated hundreds of cases in Colorado state and federal courts. His cases involve commercial general liability claims, product liability, personal injuries, and contract disputes in addition to construction related claims. Many of Mr. Decker’s past cases have been selected for official publication by the Colorado Supreme Court and Colorado Court of Appeals, including the following:

- *Copper Mountain, Inc. v. Industrial Systems*, 208 P.3d 692 (Colo. 2009)
- *State Farm v. Kastner*, 97 P.3d 1256 (Colo. 2003)
- *Burchett v. South Denver Windustrial*, 42 P.3d 19 (Colo. 2002)
- *Shaw Construction LLC v. United Builder Services, Inc.*, 296 P.3d 145 (Colo. App. 2012)
- *Richmond Am. Homes v. Steel Floors, LLC*, 187 P.3d 1199 (Colo. App. 2008)
- *Serna v. Kingston Enterprises*, 72 P.3d 376 (Colo. App. 2002)
- *Hussion v. ICAO*, 991 P.2d 346 (Colo. App. 1999)

Mr. Decker is admitted to practice in Colorado, Wyoming, the United States District Court for the District of Colorado, the United States District Court for the District of Wyoming, and the 10<sup>th</sup> Circuit Court of Appeals.



### **GREG R. LINDSAY** **Professional Biography**

Greg Lindsay is a Partner with the firm. His practice focuses in the area of construction law, and he frequently represents trade contractors, developers, and design professionals.

Prior to joining Murphy & Decker, P.C., Mr. Lindsay worked for a regional law firm where he was involved in numerous complex commercial and multi-party cases. In the last few years, he has been involved in successful jury trials in several Colorado district courts.

#### **Areas of practice**

- Construction Defect
- Insurance defense
- Complex commercial litigation
- Products liability

#### **Admitted to practice**

- Colorado, 2002
- United States District Court for the District of Colorado, 2003

#### **Awards**

- Rising Star in the 2012 edition of Colorado Law & Politics

#### **Education**

- University of Pittsburgh School of Law, *Juris Doctorate*, 2002
- Brigham Young University, B.A., 1999

**Professional associations**

- Colorado Bar Association
- Arapahoe County Bar Association
- Denver Bar Association
- Colorado Defense Lawyers Association

## Attorneys at Law



### **ERIC M. KIRBY** **Professional Biography**

Eric Kirby is a litigation attorney with experience litigating many insurance defense claims, including construction law, personal injury, large loss, and professional liability defense. Mr. Kirby worked in the construction industry before attending law school and brings real work experience and understanding of construction projects to his work. Mr. Kirby is also fluent in Spanish.

Before joining our firm, Mr. Kirby was a judicial clerk for U.S. Federal Magistrate Judge Craig B. Shaffer and worked for two years as a deputy clerk in the civil division for the U.S. District Court for the District of Colorado. He also served as a clerk for the U.S. Senate Judiciary Committee in Washington, D.C., under Senator Orrin G. Hatch.

Mr. Kirby has been recognized as a “Colorado Rising Star” by Law & Politics magazine from 2012-2017.

#### **Areas of practice**

- Construction Law
- Professional liability
- Insurance defense
- Trusts and estates

#### **Admitted to practice**

- Colorado
- Utah
- Wyoming
- United States District Court for the District of Colorado
- United States District Court for the District of Utah
- United States District Court for the District of Wyoming



**Awards**

- Rising Star in the 2012-2017 editions of Colorado Law & Politics in the area of construction law

**Education**

- University of Denver, *Juris Doctorate*, 2007
- University of Denver, master's degree in Administration
- Southern Utah University, B.A., 2003

**Professional associations**

- Colorado Bar Association
- Utah Bar Association
- Wyoming Bar Association
- Arapahoe County Bar Association
- Denver County Bar Association
- Central Utah Bar Association
- Salt Lake County Bar Association
- Colorado Defense Lawyers Association

**Special accomplishments**

- Obtained a Diploma de Español de los Negocios (Spanish Diploma in Business) from the Universidad de Alcalá y La Cámara Oficial de Comercio e Industria de Madrid



### **DANIELLE R. BERGMAN** **Professional Biography**

Dani Bergman is a civil litigation attorney who practices in the areas of construction law, insurance defense, and complex litigation. She has represented clients in a wide range of cases. Whether she is defending a client from millions of dollars in alleged construction defects or aggressively challenging premises liability claims, her client commitment and meticulous preparation are always evident whenever she is involved with a case.

Ms. Bergman is skilled at identifying legal defenses that might defeat a claim before it ever reaches the courtroom. She develops critical information during discovery and depositions that can be used to present dispositive motions. When those motions do not result in complete victory for her clients, they create leverage for settlement negotiations and frame issues in a more favorable way for trial presentation.

#### **Areas of practice**

- Insurance Defense
- Construction Law
- Personal Injury/Commercial Claims
- Complex Litigation

#### **Admitted to practice**

- Colorado, 2009
- U.S. District Court for the District of Colorado, 2010

#### **Education**

- Appalachian School of Law, *Juris Doctorate*, 2009
- University of Virginia College at Wise, *magna cum laude*

**Law school accomplishments**

- Editor of *Appalachian Journal of Law*, 2007-2009
- Student Note, “A License Plate for Debate,” published in 2008

**Professional associations**

- Colorado Bar Association
- Denver Bar Association

**Community activities**

- Court-Appointed Special Advocate for Children
- Recipient of Willard Owen Award for Excellence in Community Service from Appalachian School of Law
- NAIA Region XII Softball Pitcher of the Year in 2006

**Honors and Awards**

- Recognized as a Rising Star in the 2013 edition of Colorado Law & Politics

# Murphy & Decker, P.C.

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### **ERIC M. LEE** **Professional Biography**

Eric Lee is a litigation attorney who practices in the areas of construction law, insurance defense, trucking, and commercial litigation. He has also assisted many private construction clients with contract and lien issues. Mr. Lee is a practical attorney who strives to find real world solutions for his clients. He has acted as first chair trial counsel in over 30 trials.

#### **Areas of practice**

- Construction Law
- Insurance Defense
- Commercial Litigation
- Trucking

#### **Admitted to practice**

- Colorado, 2010
- U.S. District Court, District of Colorado, 2011
- U.S. 10<sup>th</sup> Circuit Court of Appeals, 2012

#### **Education**

- Louisiana State University, *Juris Doctorate*, 2010
- Louisiana State University, B.A., 2005

## Attorneys at Law



### **W. ANDREW FIGEL** **Professional Biography**

Andrew Figel is a litigation attorney who practices in the areas of insurance defense, construction law, commercial litigation, and business law. He has significant experience in all aspects of civil litigation, including discovery, motions practice and trials. Over the course of his career he has litigated a wide variety of issues in courts throughout Colorado. In addition to his civil litigation practice, Andrew regularly assists business clients in the development of contracts and risk management strategies.

#### **Areas of practice**

- Insurance Defense
- Construction Law
- Business Law
- Commercial Litigation

#### **Admitted to practice**

- Colorado, 1998
- U.S. District Court, District of Colorado, 2001

#### **Education**

- Villanova University, *Juris Doctorate*, 1998
- University of Pennsylvania, B.S., 1995

#### **Reported Cases**

- *Fowler & Peth, Inc. v. Regan (In re Regan)*, 151 P.3d 1281 (Colo. 2007)
- *In re Regan*, 477 F.3d 1209 (10<sup>th</sup> Cir. 2007)

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### **DAVID R. ANDERSON** **Professional Biography**

David Anderson is a litigation attorney who practices in the areas of insurance defense, construction law and commercial litigation. Prior to joining our firm, Mr. Anderson was the managing attorney for the Colorado office of a national debt collection firm. Mr. Anderson has acted as lead counsel in over 125 trials. He has significant experience in all aspects of civil trials, appeals, and pre-trial discovery. Before going to law school, Mr. Anderson served in the United States Army and was deployed on active duty in Iraq as a Nuclear, Biological and Chemical Weapons Officer.

#### **Areas of practice**

- Insurance Defense
- Construction Law
- Commercial Litigation

#### **Admitted to practice**

- Colorado, 2011
- New Mexico, 2012
- U.S. District Court, District of Colorado, 2015
- Tenth Circuit Court of Appeals, 2017

#### **Education**

- University of Colorado, J.D., 2011
- University of Colorado – Colorado Springs, Master of Criminal Justice, 2011
- New Mexico State, B.A., 2005

## Representative Insurance Clients

- ACE/Chubb Insurance
- CICNA/Gallagher Bassett Services, Inc.
- EMC Insurance
- The Hartford
- Liberty Mutual Insurance
- Ohio Casualty Group
- Secura Insurance Companies
- Swiss Reinsurance America Holding Corp.
- Travelers Insurance
- Zurich American Insurance

## Reported Cases and Firm Accomplishments

The best evidence of Murphy & Decker, P.C.'s commitment to a positive result for every client is the record of success achieved by each of our firm's lawyers. Below are some examples of our past work as well as individual and firm accomplishments.

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**Best's Recommended Insurance Attorneys:** Murphy & Decker, P.C., is proud to be included in A.M. Best's Directories of Recommended Insurance Attorneys. Since 1927, these directories have been leading publications in the insurance defense industry and premier reference tools for locating client-recommended attorneys. The firm has been listed in the Best Directory for several years and very much appreciates the opportunity to continue our work with so many outstanding carriers and their insureds.

**Highest Possible Firm Rating by Martindale Hubbell:** Murphy & Decker, P.C., received an AV-Preeminent firm rating for 2018 by Martindale-Hubbell. This distinction is the highest possible rating a law firm can achieve for both legal ability and ethical standards. The firm has been AV-rated every year since its inception.

**2018 Colorado Super Lawyers ®:** Dan Murphy and Mike Decker were once again recognized as Colorado Super Lawyers in the 2018 edition of Law & Politics magazine. Only 5% of all lawyers in Colorado receive this honor each year. Eric Kirby was recognized as a "Rising Star" in the same Publication.

**U.S. News & World Report Best Law Firms:** Murphy & Decker, P.C., was proud to be listed in the 2018 Edition of U.S. News & World Report's Best Law Firms. Firms included in the list are recognized "for professional excellence with persistently impressive ratings from clients and peers." Achieving a ranking indicates "a unique combination of quality law practice and breadth of legal expertise."

**Best Lawyers in America:** Mike Decker was selected for inclusion in the 22<sup>nd</sup> Edition of The Best Lawyers in America for his work in the areas of Construction Law and Commercial Litigation. He has received this honor for the past 5 years.

**Dismissal of Claims Against Hotel Client:** In May 2018, Mike Decker and Eric Lee obtained a dismissal of all claims alleged against the owner of a hotel in Jackson Hole, Wyoming. The plaintiff claimed severe injuries after he allegedly slipped on ice outside of the hotel lobby. However, the attorney who filed the lawsuit on behalf of the plaintiff was not licensed to practice in Wyoming. The lawsuit was filed shortly before the statute of limitations would have expired. Mike and Eric filed a motion to dismiss the lawsuit because it was not filed by a licensed attorney. The judge agreed and dismissed the claims. Because the statute of limitations had since run, the plaintiff was barred from pursuing any further claims against the firm's client.

**Dismissal of Claims Against Casino Clients:** In March 2018, Mike Decker successfully represented two casinos accused of serving alcohol to an impaired driver who subsequently injured the plaintiffs in a significant motor vehicle accident. Plaintiffs



were claiming catastrophic damages of over \$1 Million. Mike filed an immediate motion to dismiss based on Colorado's Dram Shop Act and the failure of the plaintiffs to plead sufficient facts to support their claims. After the motion was filed, the plaintiffs dismissed all claims against the firm's clients.

**Successful Appeal for Community Association:** In December 2017, Mike Decker obtained a favorable opinion from the Colorado Court of Appeals. The firm's client filed suit against a commercial unit owner to compel compliance with the governing documents for the community association. Following trial, the court entered judgment in favor of the firm's client and ordered immediate compliance with the association's requirements. The opposing party appealed. The Court of Appeals affirmed the trial court's judgment in favor of the firm's client and confirmed the need for immediate compliance by the commercial unit owner.

**Defense Verdict for Contractor Employees:** In November 2016, Dan Murphy and Mike Decker successfully defended personal injury claims against three employees of a highway contractor. The plaintiff fell while working on an elevated bridge and alleged that the three employees were liable because they directed him to work in an unsafe way and without necessary fall protection. After a week-long jury trial, judgment was entered in favor of all three clients on all claims.

**Victory at the Court of Appeals for Commercial Property Owner:** In October 2016, Mike Decker and Andrew Figel represented a commercial property owner who had previously been subject to a default judgment in favor of two former tenants. The tenants alleged over \$1 Million in damages but the trial judge awarded only a small amount of damages as part of the default judgment. The tenants appealed and argued that the trial judge abused her discretion by failing to award all of the damages they presented at the damages hearing. Following full briefing, the Court of Appeals agreed with the trial court and refused to award the tenants the excessive damages they were claiming.

**\$3 Million in Claimed Damages Dismissed for Wrongful Death Claim:** In August 2016, Dan Murphy and Andrew Figel significantly limited potential damages in a wrongful death action in a case of first impression. The husband and children of the deceased were seeking recovery of over \$3 Million in damages for the future life care of a special needs child. Dan and Andrew filed a motion arguing that these damages were not recoverable under the Wrongful Death Act because they were not caused by the death of the child's mother and that any required benefits were covered by public benefits. The trial court agreed and prohibited the plaintiffs from further pursuing these damages.

**Judgment for Subcontractor Client:** In July 2015, Dan Murphy obtained summary judgment in favor of his subcontractor client. The case involved the construction of an exclusive hotel and resort in Vail, Colorado. The plaintiff general contractor was seeking the recovery of more than \$15 million in alleged damages. The Court dismissed all claims against the firm's client based on the doctrine of claim preclusion.

**Judgment in favor of property manager:** In June 2015, Mike Decker represented the property manager for an apartment building. The plaintiff claimed injuries from a fire in the building and alleged that the property manager was responsible due to claimed building code violations and the claimed failure to evict the tenant believed to have caused the fire. After a five-day jury trial, the jury found that the property manager had no liability and assessed 100% of the fault to the tenant.

**Trial victory for firm client:** In May 2015, Mike Decker successfully represented a community association that was sued by a member of the association. The member claimed that the association failed to remedy water intrusion and other damages to the member's property. After a three-day trial, the association prevailed on all of the claims alleging property damage. The member was also ordered to provide access to its property as required by the governing documents.

**Judgment for Firm Client:** In May 2015, Dan Murphy represented an actuarial group that had been sued following the dissolution of a health insurance company. The plaintiff was a third-party investor that argued the failure to properly value the health insurer resulted in the loss of his investment. The total damages alleged exceeded \$3 million. Dan filed a motion for summary judgment arguing that the "shareholder standing rule" precluded the claim. The judge agreed and granted summary judgment in favor of Dan's client on all claims.

**Judgment and award of attorney fees for firm client:** In November 2014, Mike Decker successfully represented a firm client in a commercial dispute. The client provided earnest money to be held in trust as part of an anticipated commercial business transaction. Ultimately, the transaction did not take place and the client requested the return of funds. The other party refused to return the funds. It argued that the funds were not being provided in trust, or, alternatively, that the amount deposited was reduced significantly by costs incurred during the due diligence period. Following a jury trial, judgment was entered in favor of the firm's client on all claims. The judge awarded attorney fees and costs to the firm's client after the entry of the jury's verdict.

**Summary judgment for firm client:** In September 2014, Mike Decker obtained summary judgment for a firm client on all claims made by the plaintiff. The client was a community owners association that had been sued by an owner of community property. The plaintiff claimed a variety of personal injuries due to alleged maintenance practices at the community property. In an earlier lawsuit, Mike had obtained a dismissal of the plaintiff's claims against the client with prejudice. A motion for summary judgment was filed arguing that the prior dismissal prevented the plaintiff from pursuing his claims against the association in the new lawsuit. The district court agreed and entered summary judgment in favor of the firm's client.

**Summary judgment in premises claim:** In July 2014, Dan Murphy obtained a summary judgment for their client on a premises liability claim. The plaintiff filed suit alleging personal injuries due to a slip-and-fall in the parking lot of supermarket. The firm's client was the snow removal company hired to remove snow at the premises. The motion for summary judgment argued that the snow removal contractor was not a "landowner" under the Colorado Premises Liability Act because the contractor was not in possession of the property or conducting an

activity on the land at the time of the alleged incident. The district court agreed and entered summary judgment in favor of the firm's client.

**Dismissal of all claims against firm's clients:** In July 2014, the district court upheld the dismissal of all claims against Mike Decker's clients in a premises dispute. The dispute arose from a lease for commercial space. The plaintiffs alleged that they were improperly locked out of the premises by the firm's clients, who were the building owner and its property manager. The court eventually dismissed all claims due to the plaintiffs' failure to make sufficient disclosures required by the Colorado Rules of Civil Procedure. The plaintiffs filed a motion to reconsider that was denied on all points.

**Judgment and attorney fees for firm client:** In March 2014, Mike Decker represented a commercial property association at trial. The case began when the association made claims against one of its members for unpaid assessments. The owner brought counterclaims alleging that the assessments were improperly made and that the practices of the association had caused her to incur substantial lost revenue in the operation of her business at the involved property. Following trial, judgment was entered in favor of Mike's client on all claims. The association defeated all of the counterclaims that were alleged against it and it was awarded the entire amount of the outstanding assessments claimed plus interest, litigation costs, and attorney fees.

**Defense verdict for Wyoming traffic control subcontractor:** In October 2013, Dan Murphy obtained a defense verdict for a traffic control subcontractor in Wyoming. The plaintiff motorcycle rider was severely injured in an accident that occurred in a construction zone. The plaintiff alleged that the accident was caused by poor road conditions and a lack of adequate traffic control. Immediately prior to trial, two other subcontractor defendants settled with the plaintiff. The defendant general contractor settled with the plaintiff following the second day of trial. The firm's client went to verdict as the lone remaining defendant. At the end of a two-week trial, the plaintiff's counsel asked the jury to deliver a verdict in excess of \$11 million. The jury returned a defense verdict in favor of the firm's client on all claims.

**Judgment for Snow Removal Contractor:** In September 2012, Mike Decker and Danielle Bergman obtained a judgment in favor of a snow removal contractor. The firm's client was hired to remove snow at a townhome complex. The plaintiff alleged that a few days after a snowstorm he was injured when he slipped on ice that had formed on the front porch of a townhome. Mike and Dani argued that under the terms of the maintenance contract their client had no duty for the condition of the property several days after a snowfall event. The judge agreed and entered judgment in favor of the firm's client on all claims made by the plaintiff.

**Claims against client dismissed by Wyoming court:** In October 2011, Dan Murphy and Eric Kirby filed a successful motion to dismiss all claims against their client in the U.S. District Court for the District of Wyoming. Dan and Eric demonstrated that the plaintiff failed to comply with applicable service rules. Relying on cases from various jurisdictions, Dan and Eric convinced the judge that it was appropriate to dismiss the claims against their client due to the plaintiff's violation of the rules.

**Dismissal of all claims against commercial food supplier:** In September 2011, Mike Decker was able to get all claims against his client dismissed in a case involving alleged E. Coli contamination. Mike's client supplied beef to a commercial restaurant and the plaintiffs claimed they were injured after eating at the restaurant. The claims against Mike's client were dismissed after demonstrating that all of the beef supplied by the client had been properly tested and found to be free of contamination. The case continued against other parties.

**Summary judgment for clients entered by Wyoming court:** In May 2011, Dan Murphy and Eric Kirby obtained a summary judgment for their clients, who were individual representatives of a corporation sued in Wyoming. The case involved claims for negligence and strict product liability related to a slope stabilization project. Dan and Eric convinced the court that the claims were filed outside the time allowed by the applicable statute of limitations.

**Summary judgment for developer:** In April 2011, Mike Decker obtained a summary judgment for his clients in a case involving alleged construction defects at a large shopping mall. The current owner of the mall alleged over \$3 million in damages. Mike represented former developers for the mall property. Less than a year after the lawsuit was filed, the judge entered summary judgment in favor of Mike's clients on all claims. The case continued against many additional parties.

**Defense verdict in auto accident case:** In March 2010, Dan Murphy and Eric Kirby represented a client in a case involving a rear-end auto collision. The plaintiff claimed he was injured after being hit from behind by Dan and Eric's client. Although liability for the accident was admitted, responsibility for the injuries being claimed by the plaintiff was denied. After deliberating for four hours, the jury found in favor of Dan and Eric's client and awarded no damages to the plaintiff as a result of the accident.

**Judgment for general contractor:** In January 2010, Dan Murphy and Eric Kirby obtained a judgment in favor of a general contractor who was being sued by a site worker claiming personal injuries due to a fall. The plaintiff had alleged damages of at least \$1 million.

**Victory for electrical subcontractor:** In November 2009, Mike Decker represented an electrical subcontractor in an arbitration involving alleged defects with the electrical system at a condominium project. After a three-day hearing, the arbitrator found in favor of Mike's client on all claims and awarded attorney fees and costs against the opposing parties.

**Treatise on Colorado construction law:** In June 2009, Mike Decker was a contributing author in the latest edition of *The Practitioner's Guide to Colorado Construction Law*. The new edition of the treatise is published by the Continuing Legal Education of Colorado.

**Important decision by the Supreme Court of Colorado:** In January 2009, Dan Murphy and Mike Decker represented a subcontractor before the Supreme Court of Colorado. The

decision issued by the Supreme Court definitively interpreted provisions of AIA form contracts related to builders' risk insurance coverage and clarified the scope of claim waivers found in the form agreements. The case was remanded to the trial court for further proceedings necessary to determine the extent that the claims against Dan and Mike's client were waived.

**Developer wins at the Court of Appeals:** In September 2008, the Colorado Court of Appeals issued an opinion in favor of Mike Decker's clients, a group of developers and the individual owner of a development company. The Court of Appeals upheld an award of attorney fees to Mike's clients. The trial court judge awarded the attorney fees after the claims made against Mike's clients were dismissed during the course of a multi-week trial.

**All claims against clients dismissed:** Mike Decker and Greg Lindsay represented a real estate broker and company who were involved with the sale of a hotel. After more than five years of litigation, a motion to dismiss filed by Mike and Greg was granted. All claims against their clients were dismissed by the trial court judge.

**Real estate broker prevails on all claims:** Mike Decker and Greg Lindsay represented a real estate broker and his parent company in a suit brought by the purchaser of a commercial property. Summary judgment was entered in favor of Mike and Greg's clients on all claims by the trial court. In August 2008, the Colorado Court of Appeals affirmed the trial court and held that Mike and Greg's clients were entitled to judgment on all claims.

**Successful trial for general contractor:** In October 2007, Dan Murphy and Mike Decker went to trial and represented a general contractor in Eagle, Colorado. The owners of a condominium unit alleged that toxic mold had formed in their unit due to construction defects. After a two-week trial, the jury returned a defense verdict in favor of Dan and Mike's client on all claims.

**Defense verdict for general contractor:** In September 2007, Mike Decker and Greg Lindsay defended a general contractor and two of its employees in a construction defect action brought against them by the owner of a single-family home. After a two-week trial, the jury returned a defense verdict in favor of Mike and Greg's clients on all claims.

**Victory for general contractor:** Dan Murphy and Mike Decker represented a general contractor who had been sued by the owner of a commercial office building. The owner alleged negligence in the construction of the exterior concrete panels for the building. The trial court judge granted summary judgment in favor of Dan and Mike's client on all claims. In September 2007, the Colorado Court of Appeals affirmed the summary judgment in favor of Dan and Mike's client.

**Firm attorneys contribute to book series on Colorado construction law:** In July 2007, Dan Murphy, Mike Decker, and Greg Lindsay each authored a section of The Practitioner's Guide to Colorado Construction Law. The revised series is published by Continuing Legal Education of Colorado.