

FAEGRE BAKER  
DANIELS

## Laurence “Trip” DeMuth, III

TRIAL EXPERIENCE, ARBITRATIONS AND DISPOSITIVE HEARINGS  
WHILE IN PRIVATE PRACTICE AT FAEGRE BAKER DANIELS

2000-Present



*I believe in assessing cases early and resolving disputes quickly, without the time or expense of a trial. However, having tried over 100 trials, including 80 trials to jury, I have the skills necessary to win if trial is unavoidable. My trial experience since joining Faegre Baker Daniels in 2000 includes the following:*



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## Trials to the Court

The following cases were tried to the court either because of the nature of the proceeding or because the parties agreed to forego jury trials.

### **Stewart Title Guaranty Company v. Denise Roberts-Dude**

Lead counsel for Stewart Title Guaranty Company in case before a bankruptcy judge in West Palm Beach, Florida, against home-seller that fraudulently concealed the existence of a lien on the home-seller's property. The Court awarded Stewart Title Guaranty Company \$2,925,000.00 in damages.

*United States Bankruptcy Court, Southern District of Florida; Adversary proceeding #11-2334-EPK*

### **Swinerton Builders v. Craig Nassi and Beauvallon Corporation**

Lead trial counsel for Swinerton Builders in a Denver District Court action to enforce a judgment. The trial court ruled that the single-member owner of the Beauvallon Corporation was the alter ego of the corporation and, accordingly, pierced the corporate veil and held the owner of the Beauvallon Corporation personally liable for the judgment against the corporation.

*District Court, City and County of Denver, Colorado; Case #2008-CV-5316*

### **Charles William Lovely and the Norman D. Lovely Family Trust v. Estate of Dorothy Lovely et al.**

Co-counsel in a probate dispute over an estate that was tried before the Denver Probate Court. The Court issued a decision favorable to my client.

*Denver Probate Court, City and County of Denver, Colorado; Case #05PR1704*

### **Ellsworth et al. v. Kurtz et al.**

Lead counsel in a condemnation action for a ranch owner who was seeking access to his land. After the trial began, the parties reached an agreement that provided the ranch owner an access road to the ranch.

*District Court, Routt County, Colorado; Case #03-CV-36*

### **Susan E. Fang, as Personal Representative of the Estate of Michael S. Fang v. Showa Entetsu Co., Ltd., and SPF Corporation of America, Inc.**

Lead trial counsel for Michael S. Fang against his dissolved corporate employer and its Japanese parent company for the unlawful withholding of Mr. Fang's severance package. The trial court awarded Mr. Fang all of his damages, reasonable attorney's fees, and pierced the corporate veil to hold the Japanese company liable for the judgment. I was able to enforce the judgment in Japan through collaboration with Japanese counsel.

*District Court, Boulder County, Colorado; Case #99-CV-1695*

### **Mill Creek Subdivision Homeowners Association et al. v. Colorado Open Lands et al.**

Co-counsel for Colorado Open Lands defending against claims regarding fraudulent misrepresentation, fraudulent concealment, quiet title, breach of contract and fraud. A decision was issued in favor of the Colorado Open Lands.

*District Court, Weld County, Colorado; Case #07CV1084*

## Trials to Jury

Jury trials are sometimes unavoidable, even in commercial disputes. Working effectively with a jury is a skill that can only be developed by trying cases in front of juries, but many civil litigators have little, if any, jury trial experience.

In addition to the following jury trials I've handled while in private practice since 2000, I took over 80 cases to jury trial during my tenure with the Boulder County District Attorney's office from 1984 to 2000. That experience has proven invaluable to my clients facing jury trials.

### **Stewart Title Guaranty Company v. Harald Dude, and Dee Investments Ltd. Partnership**

Lead counsel for Stewart Title Guaranty Company in a jury trial in federal court against home-sellers who fraudulently concealed the existence of a lien on the home-seller's property. The jury awarded Stewart Title Guaranty Company \$1,950,000.00 in damages, plus \$975,000.00 in punitive damages.

*United States District Court, District of Colorado;  
Case # 07-cv-02299-RPM-MJW*

### **Kay Dragon v. Swanhorst, Dragon & Cutler, LLC et al.**

Lead counsel representing Member/Employee on wage and breach of contract claims against Limited Liability Company. The jury returned a verdict in favor of my client.

*District Court, Arapahoe County, Colorado; Case #02-CV-2221*

### **People of the State of Colorado v. Mark Steven Gesse**

Lead counsel defending local businessman that was wrongfully accused of threatening his neighbor with a gun. A jury of 12 acquitted my client of all charges.

*District Court, Boulder County, Colorado; Case # 09CR705*

## Arbitrations

As a seasoned litigator, I've also handled my share of arbitrations for clients, including the following:

### **Swinerton Builders v. Craig Nassi and Beauvallon Corp.**

Won a \$1,694,426.72 judgment as lead counsel for Swinerton Builders in an arbitration against a corporate developer for non-payment under a commercial construction contract.

*American Arbitration Association, Denver, Colorado;  
Case # 77110J0028007MAVI*

### **Behrooz Hadgi-Maleki and Behzad Hadji-Malek v. Scott A. Wood and Chris Williams and Del Rey Investments, LLC**

Lead counsel defending managing member of Del Rey Investments, LLC against derivative claims. Through the use of a Special Litigation Panel, all claims against the managing member of the LLC were dismissed.

*Judicial Arbitrator Group, Denver, Colorado; Arbitration # 2009-0630*

### **Victor J. Wedel and the Wedel Family Trust v. Colorado MedTech, Inc. and John V. Atanasoff**

Co-counsel defending John V. Atanasoff and Colorado MedTech against claims of fraud and deceit, fraud under the Securities Exchange Act of 1934, breach of contract/failure of consideration, breach of contract/breach of warranty, specific performance, and for Declaratory Relief. The decision was rendered in favor of John V. Atanasoff and Colorado MedTech.

*Judicial Arbitrator Group, Denver, Colorado; Arbitration #210256*

## Significant Dispositive Hearings

Dispositive hearings are one legal strategy I use to help clients avoid full trials. The following matters exemplify the type of dispositive hearings I handle:

### **Board of County Commissioners of the County of Adams, State of Colorado v. Clean Harbors Deer Trail, LLC and Colorado Department of Public Health and Environment**

Represented Clean Harbors Deer Trail, LLC, a Delaware LLC, against claims brought by Adams County challenging Clean Harbors' State license to dispose low level radioactive materials at its hazardous waste facility. The trial court dismissed all claims against Clean Harbors after a hearing on its summary judgment motions.

*District Court, Adams County, Colorado; Case #2007CV607*

### **Maxine L. King Bodine and Toni Selders v. State Farm Mutual Automobile Insurance Company**

Co-counsel for State Farm at a hearing before the Boulder District Court in a class action at which the court decided to de-certify the class.

*District Court, County of Boulder, Colorado; Case #99-CV-1086*