



CHARLES W. STEESE

PARTNER

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Chuck Steese has successfully tried more than 50 complex commercial, telecommunications and intellectual property disputes in courts and before regulatory bodies across the United States.

His cases often involve parallel, multi-district litigation and regulatory or other proceedings. When these matters are appropriately managed, they present opportunities to creatively leverage issues and facts to achieve the best possible results for clients. Strategy, relentless preparation and skilled advocacy are Chuck's hallmarks. As one client recently remarked, "Chuck brings a level of skill and professionalism rarely seen in the legal profession. He obtained a result that, at the beginning of the case, I thought impossible to obtain."

Clients routinely praise Chuck for his ability to simplify complex cases into manageable issues that judges and juries can comprehend. His engineering background enhances his ability to handle complicated, technology based cases efficiently and effectively.

These skills lead clients of all sizes and types to retain Chuck to manage their most challenging litigation matters. While Chuck has tried cases in many different industries, he has obtained unique experience in the areas of telecommunications, technology, and higher education. He also has significant experience handling major class actions and arbitrations.

For example, Chuck's work has influenced the way government regulates telecommunications companies specifically in the area of "traffic pumping" (also known as access stimulation). At the forefront of this issue, Chuck tried the first such lawsuit and has gone on to handle numerous cases throughout the country. The decisions Chuck obtained had a direct impact on the FCC finding that this practice cost the industry billions of dollars, and as a result, modified its existing rules.

In addition, for more than five years Chuck served as managing attorney of the firm's Denver office.

EDUCATION

- Washington University School of Law (J.D., 1989)
 - Journal of Urban and Contemporary Law, Editor
- Georgia Tech (B.A., *with honors*, 1985)
 - Aerospace Engineering

SERVICES AND INDUSTRIES

Complex Commercial

Litigation

Intellectual Property Litigation

Copyright

Higher Education

Class Action Litigation

Litigation

Appellate

Alternative Dispute Resolution

Antitrust and Trade Practices

Consumer Products and

Services

Energy and Utilities

Technology Transactions

Technology

ADMISSIONS

Colorado

Arizona

Iowa

U.S. District Court, Southern

District of Iowa

U.S. District Court, Northern

District of Iowa

U.S. Court of Appeals, Eighth

Circuit

- Sigma Gamma Tau

PROFESSIONAL ACTIVITIES

- Armstrong Teasdale Compensation Committee

ACCOLADES

- *Colorado Super Lawyers*[®] (2017-present)
- *Chambers USA: America's Leading Lawyers in Business* for Commercial Litigation (2016-present)
- *The Best Lawyers in America*[®], Litigation – Intellectual Property (2021-present)
- 5280 Magazine, Denver's Top Lawyers, Communications/Technology Law (2021)
- Law Week Colorado, Barrister's Best, People's Choice for Civil Litigation (2020)
- Selected as a 2015 Top Rated IP Lawyer by American Lawyer Media (ALM)
- AV[®] Peer Review Rated, *Martindale-Hubbell*
- Received the John P. Frank Pro Bono Award for his work retrying a murder case on remand from the United States Supreme Court

BACKGROUND

Before joining Armstrong Teasdale, Chuck founded what became Denver-based Steese, Evans & Frankel P.C. He previously worked in-house trying cases for a Fortune 500 telecommunications company in Denver.

EXPERIENCE

Complete Dismissal of Multimillion-Dollar Proposed Nationwide Class Action against Sealant Manufacturer

Secured significant victory for our client, a sealant manufacturer, in U.S. District Court for the District of Minnesota. Plaintiff alleged products were improperly labeled and asserted violations of state consumer protection statutes, state and federal warranty claims, and unjust enrichment. Plaintiff sought to represent a nationwide class and alleged more than \$5 million in damages. On motion to dismiss, the Court dismissed all of the claims and entered judgment.

Complete Dismissal of Multimillion-Dollar California Class Action for Pet Products Manufacturer

Secured significant victory for our client, a pet products manufacturer, in U.S. District Court for the Northern District of California. Plaintiff alleged products were mislabeled and asserted fraud, warranty, and consumer protection claims; and sought to represent a nationwide class seeking more than \$5 million in damages. After initial motions practice and discovery, the Court granted dismissal of all claims.

\$1.8 Million Contract Dispute Resolution

Successfully defended digital media and advertising company in \$1.8 million, bet-the-company contract dispute. Garnered favorable settlement resolving dispute and

protecting client's long-term viability.

Significant Victory in Multimillion-Dollar California Class Action for Men's Retailer

Secured a significant victory for our client, a men's clothing retailer, in U.S. District Court for the Northern District of California. The plaintiffs alleged that late fees assessed by the retailer violated California consumer fraud laws. After filing and arguing a motion to dismiss, the plaintiff voluntarily withdrew the claims without any monetary payment or any other relief.

Significant Victory in Multimillion-Dollar National Class Action for Men's Retailer

Secured a significant victory for a men's clothing retailer on a motion for summary judgment in U.S. District Court for the District of Maryland. The plaintiffs alleged that certain sales promotions were deceptive and sought certification of a California class, potentially exposing our client to hundreds of millions of dollars in damages. The Court dismissed the lawsuit finding that plaintiffs could not establish that the marketing campaign caused them damage. Earlier, the Court had dismissed requests to certify a nationwide class and a Maryland subclass for similar reasons.

Class Action in Large IoT Liability Case for Plaintiff Against Automotive Manufacturer

Serves as lead counsel for three certified plaintiffs' classes totaling an estimated 400,000 to 500,000, in a case alleging that various cars and trucks suffer from a series of cybersecurity defects that render the vehicles susceptible to being hacked in a way that would allow the hacker to remotely control the vehicles' operational and safety systems, including acceleration, braking, steering and ignition. Claims include breach of warranty and violations of various states' consumer protection statutes.

Argued "Traffic Pumping" Case on Appeal

Argued traffic pumping case on appeal before the U.S. Court of Appeals for the Eighth Circuit, rising from a decision in U.S. District Court for the District of South Dakota. Action was for unjust enrichment against a free calling service which received just short of \$1 million in a traffic pumping scheme.

Brought Claims for Unjust Enrichment for Telecommunications Company

Brought claims for unjust enrichment on behalf of our client, a major telecommunications company, in the U.S. District Court for the District of South Dakota against an entity that had engaged in a traffic pumping scheme that cost our client millions of dollars. Appealed the judge's decision to the Eighth Circuit. The issues have been fully briefed and oral arguments are pending.

Complete Dismissal of Claims Against Former Government Employee

Won complete dismissal of claims against former government employee in Colorado state district court case challenging public bidding process.

Dismissal of Bribery, RICO Lawsuit

Obtained an order in Denver District Court dismissing a bribery and RICO lawsuit brought against former employees of a major metropolitan airport. The Court dismissed the claims for lack of jurisdiction under the Colorado Governmental Immunity Act.

Managed Consumer Class Action Lawsuits for Major Men's Retailer

Managed multiple consumer class action lawsuits for major men's retailer. Obtained a dismissal of one lawsuit, and have motions to dismiss pending on two additional lawsuits.

Preliminary Injunction for Communications Client

Obtained a preliminary injunction for an internet, cable and phone company and its subsidiary in the Northern District of Georgia under Section 214 of the Communications Act against a telecommunications carrier that was planning to disconnect service to a series of customers, including a university. The carrier subsequently sought to vacate the injunction, which the court was convinced to retain.

Representation for Telecommunications Client in Ongoing Litigation

Represented a telecommunications company in a series of federal court lawsuits spanning more than 10 years against other national telecommunications carriers claiming that the charges invoiced were illegal.

Represented Clinical Commercial Laboratories in Series of Claims

Represented a series of clinical commercial laboratories in a lawsuit against a publicly traded instrument manufacturer on claims for breach of warranty, fraudulent misrepresentation and omission, and violations of various consumer protection laws. Plaintiffs seek tens of millions of dollars in damages. Trial is scheduled for 2019.

Represented Telecommunications Company in Multi-Defendant Case Alleging Over 30 Claims

Represented the plaintiff, a telecommunications company, before the U.S. District Court for the Southern District of New York alleging breach of contract, breach of tariff and improper charges related to a master services agreement. The multi-defendant case involved more than 30 counts or claims, 10 tariffs and three contracts.

Resolved \$60 Million Dispute in Mediation Weeks Before Trial

Retained as trial counsel 10 weeks before trial in a case with five defendants and more than \$60 million in controversy. Claims included breaches of fiduciary duty, civil theft, conversion, and unjust enrichment. The case was resolved through mediation just before trial.

Secured Voluntary Dismissal of Consumer Class Action Against Major Clothing Retailer

Secured the voluntary dismissal of a consumer class action filed against a major clothing retailer in the U.S. District Court for the District of New Jersey. The plaintiff alleged that our client's sales promotions violated New Jersey consumer regulations governing advertisements, potentially exposing our client to liability for millions of dollars in statutory damages. After an appellate decision in another case confirmed the strength of our motion to dismiss arguments, the plaintiff chose to voluntarily dismiss the lawsuit.

Significant Settlement in Adversary Proceeding for Telecommunications Company

Brought an action on behalf of a telecommunications client to avoid fraudulent transfers in Bankruptcy Court for the U.S. District of Nevada. The defendants had received millions of dollars in transfers from an entity they owned and operated which was being sued in a related proceeding. Obtained a multimillion-dollar settlement in an adversary proceeding on the eve of trial, wherein we sought to avoid hundreds of fraudulent conveyances after the debtor claimed only \$30 in assets.

Trial Counsel in \$240 Million Suit for College Brought By Colorado Attorney General

Served as counsel in a first-of-its-kind, five-day preliminary injunction hearing, winning a complete victory for a large career college, in which the Colorado Attorney General's office sought 21 separate, broad injunctions. Subsequently tried a four-week bench trial against consumer protection and lending claims where the Colorado Attorney General sought \$240 million. The decision limited the State's relief to \$3 million.

Trial Win for Telecommunications Client on Tortious Interference Claims

Won at two-week trial for a major telecommunications company in the U.S. District Court for the District of Minnesota on tortious interference claims against an entity that had conspired with a local telephone company to engage in a traffic pumping scheme. The judgment entered in our client's favor approximated \$2 million, and the Eighth Circuit affirmed the decision.

Defeat of 21 Injunctions Against Private University

Defeated a request by the Colorado attorney general for 21 separate injunctions sought against a private university. After a five-day preliminary injunction proceeding, the court rejected each of the state's requests finding they had no reasonable likelihood of success on the merits.

Defense in Deceptive Marketing Campaign for Private School

Represented a private school in allegations brought by the Illinois attorney general claiming that their internet marketing campaign is inherently deceptive because of the search terms it bid on in its Google AdWords® account. Filed motions for summary judgment and obtained key concessions in depositions that negated the state's theory.

Resolution for College in Consumer Protection Litigation

Represented client college in a consumer protection investigation and subsequent litigation brought by the Illinois attorney general. Following negotiations, the matter was resolved on favorable terms.

Reversed Trial Court Decision on Appeal for For-Profit College

Represented for-profit college system in a wide-ranging consumer protection investigation brought by the Colorado Attorney General. Convinced the Colorado Court of Appeals to reverse a trial court decision that would have prevented the college from disclosing graduate employment statistics in accordance with accreditation standards. This ensured the college could present data on par with other colleges and universities.

Monetary Settlement in Patent Infringement Suit

Represented a Fortune 500 telecommunications carrier in a lawsuit alleging that another Fortune 500 company infringed a patent establishing a new method to transmit voice communications. Obtained a favorable monetary settlement.

Lead Trial Counsel in Landmark "Traffic Pumping" Lawsuits

Lead trial counsel for a telecommunications company in a series of traffic pumping lawsuits in federal courts and regulatory bodies throughout the country. Tried the first case of its kind on the subject, in which the Iowa Utilities Board entered a decision for the client on all issues and found traffic pumping was an unjust and unreasonable practice contrary to the public interest. The case was affirmed on appeal. The decision caused the FCC to issue rules codifying the decision and, in the process, closed a multi-billion loophole.

Defense Verdict in Trade Secrets Trial

Tried a two-week bench trial for a government contractor concerning the company's rights under a defense contract and whether the company misappropriated trade secrets or confidential information. Obtained a defense verdict on these intellectual property claims.

Successful Arbitration for Multinational Technology Corporation

Won a two-day arbitration concerning a contract dispute before the American Arbitration Association on whether certain services had been provided by our client, a

multinational technology corporation, to a vendor.

Settlement in Real Estate Lease Dispute

Obtained a significant monetary settlement in a massive real estate lease dispute involving tens of millions of dollars. In the process, the firm was able to pierce a triple net lease through allegations of sham transactions and alter ego liability.

Summary Judgment for University in Mass Arbitration

Won summary judgment in favor of a private university in a mass arbitration brought by students claiming that the school had defrauded them into enrolling and withholding material information about the value of degrees awarded by the university.

Settlement for Computer and Information Technology Company in Significant Intellectual Property Matter

Tried a five-week jury trial for a major computer and information technology company in a significant copyright, patent, trade secret and antitrust case pending in Boston, Massachusetts. The case settled favorably on the eve of closing arguments.