



## DOUGLAS N. MARSH

### PARTNER

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Doug Marsh is a partner in the Litigation practice group, focusing on complex commercial litigation and appeals. As a Special Assistant State's Attorney in the Cook County State's Attorney's Office and through federal and state judicial clerkships, Doug gained significant knowledge about trial preparation and procedure, case administration and legal research.

His experience includes presenting oral arguments in trial and appellate courts; conducting pleadings before the court; drafting, filing and arguing briefs and motions; drafting judicial memoranda, orders, opinions, complaints and responses; conducting depositions and preparing related documents; drafting written discovery requests and responses; performing discovery working closely with the client and opposing parties; and examining and cross-examining witnesses.

Doug has litigated cases across the country at both the trial and appellate levels, including in a recent client victory on a matter involving the long-distance telephone scam known as "traffic pumping" (also called "access stimulation"). In that matter, his team secured a judgment following a bench trial and recovered in excess of \$1 million in damages for his client. Doug also helped draft the appellate briefs defending that judgment on appeal.

In bankruptcy court matters, Doug's experience includes avoiding fraudulent transfers and litigating adversary proceedings. This unique intersection of the law enables Doug to provide significant value to his litigation clients, seeing the matter from all angles.

### EDUCATION

- University of Chicago Law School (J.D., 2012)
  - Hinton Moot Court Competition
  - Saul Lefkowitz Moot Court Competition
  - Federalist Society
  - Dallin H. Oaks Society
  - Student Admissions Council
  - Corporate Lab Clinic and Prosecution and Defense Clinic
- Brigham Young University (B.A., *magna cum laude*, 2009)
  - Classical Studies and History
  - Eta Sigma Phi (Classical Studies Honor Society)
  - Heritage Academic Scholarship Recipient

### SERVICES AND INDUSTRIES

Litigation  
Appellate  
Complex Commercial  
Litigation  
E-Discovery  
Technology

### ADMISSIONS

Colorado  
Illinois  
U.S. District Court, Eastern  
District of Michigan  
U.S. Court of Appeals, Eighth  
Circuit  
U.S. Court of Appeals, Tenth  
Circuit

- Phi Kappa Phi

## ACCOLADES

- *The Best Lawyers in America*® Ones to Watch, Commercial Litigation (2021-present), Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (2023)
- The Burton Awards, Law360 Distinguished Legal Writing Award (2020)
- Colorado Super Lawyers® Rising Stars (2019-present)
- *Law Week Colorado*, Up & Coming Lawyer (2017)

## LANGUAGES

- Spanish

## BACKGROUND

Prior to joining the firm, Doug clerked for the Chief Judge of the U.S. District Court for the Northern District of Oklahoma. Prior to that, he clerked for a Justice of the Supreme Court of Colorado and served as a Special Assistant State's Attorney in Cook County, Illinois.

## EXPERIENCE

### **Summary Judgment for Client in Dispute over Acquisition**

Represented a sports and entertainment client in a dispute over its acquisition of another company. Plaintiff alleged the acquisition violated an exclusivity provision it had to acquire a subsidiary of the acquired company. The U.S. District Court for the Northern District of Texas granted summary judgment to our client on all of the plaintiff's claims.

### **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.

### **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.

### **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, which was reversed and remanded by the Court of Appeals.

**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.