



## Nick Katz

Associate

555 17th Street, Suite 3200, Denver, CO 80202

P 303.295.8539

[NWKatz@hollandhart.com](mailto:NWKatz@hollandhart.com)

**Nick counsels clients on a broad range of complex commercial disputes, finding effective and efficient solutions to resolve their business problems.**

Nick provides end-to-end support for businesses and individuals facing high-stakes complex civil litigation in state and federal court, mediation, and formal arbitration proceedings. Nick has first-chair trial experience in bet-the-company litigation, and he guides clients through all stages of litigation from the initial drafting of pleadings through closing arguments. He also handles appellate strategy and briefing on appeals.

Nick handles a wide variety of matters for a diverse base of clients, including matters involving contract disputes, business torts, commercial real estate, tax litigation, construction disputes, constitutional rights, class actions, and various other commercial matters.

Before attending law school, Nick worked for five years as a law enforcement officer, conducting complex criminal investigations. Before joining Holland & Hart, Nick served as a judicial intern for Justice William W. Hood III of the Colorado Supreme Court and as a law clerk for Judge David M. Ebel of the U.S. Court of Appeals for the Tenth Circuit.

### PRACTICES

Business Litigation  
Real Estate Litigation  
Stakeholder Disputes  
Trade Secrets and Non-Competes  
Appellate

### EDUCATION

Duke University School of Law, J.D.,  
2020  
*summa cum laude*  
*Duke Law Journal*, Research Editor

University of New Haven, M.S., 2012  
Vassar College, B.A., 2010

### BAR ADMISSIONS

Colorado

### COURT ADMISSIONS

U.S. Court of Appeals for the Ninth  
Circuit  
U.S. Court of Appeals for the Tenth  
Circuit  
U.S. District Court for Colorado

### EXPERIENCE

#### Business Litigation

Nick assists clients at all stages of litigation and arbitration, including:

- Responding to or issuing demand letters or subpoenas
- Conducting written and deposition discovery
- Working with experts
- Drafting dispositive motions
- Arguing hearings
- Preparing witnesses to testify
- Trying cases
- Defending arbitration awards during vacatur proceedings
- Assisting with appeals
- Negotiating settlements

#### Employment Litigation

Nick represents employers and individual employees, in cases involving:

- Trade secrets
- Covenants not to compete
- Non-solicitation agreements
- Non-circumvention agreements
- Other claims relating to departing employees

### **Commercial Real Estate Litigation**

Nick has broad experience in commercial real estate disputes, such as:

- Litigating breach of lease actions on behalf of commercial landlords and tenants
- Condemnation/eminent domain actions
- Unlawful detainer actions
- Defending personal guarantors
- Quieting title to and foreclosing on real property
- Litigating real property titles, liens, and other land use issues

### **Construction Litigation**

Nick prepares, defends, and litigates construction claims on behalf of both contractors and owners, including:

- Delay claims
- Differing site conditions claims
- Change order disputes
- Impact claims
- Termination claims
- Mechanics' lien claims
- Trust fund violations

## **CLIENT RESULTS**

### **Business Litigation**

Defending software developer against fraud and other tort claims in putative class action lawsuit.

Defending prescription drug discount program operator against contract and fraud claims in ongoing, decade-long dispute.

Representing limited liability company member and former corporate officer in ownership dispute against the company.

Defending individual business owners against contract and fraud claims in dispute related to sale of their businesses.

Defended cannabis cultivation company in breach of contract matter

which, after week-long jury trial, ended in complete defense victory and order that plaintiffs pay all defense costs and attorney fees.

Litigated \$70 million fraud case on behalf of aerospace client defendant to complete defense victory following two-week jury trial.

In contract dispute across two jurisdictions following failed corporate acquisition, litigated the case to favorable settlement within one year of being hired as counsel.

In oil and gas tax litigation against the state, obtained favorable settlement and prospective tax relief for client.

Represented cannabis company in ongoing securities fraud action against investment advisor in the Southern District of New York.

Represented healthcare products company and corporate officers against contract and fraud claims, resulting in favorable settlement.

Defended healthcare-product manufacturer against multi-million dollar breach of contract, solicitation, and corporate raiding claims, culminating in two-week-long bench trial.

Litigated defamation action between condominium association executives, resulting in favorable settlement for client.

Prosecuted breach of contract and defamation claims on behalf of employer against former employee, resulting in favorable settlement.

Defended biogas client against multi-million-dollar breach of contract claims, culminating in week-long bench trial.

Prosecuted defamation claims on behalf of NFT developer against former potential business partner, resulting in favorable settlement.

Prosecuted fraud and civil theft claims on behalf of individual investor against investment company.

### **Commercial Real Estate Litigation**

Successfully defended hospitality development company against oil and gas developer claims pertaining to disputed mineral rights. Affirmed on appeal.

Successfully defended corporate officer and company's outside counsel against contract and tort claims pertaining to transfer of commercial property and disputed mineral rights.

Successfully obtained judgment on behalf of commercial landlord against various defaulting tenants.

Represented commercial property developer in tort action against title company, resulting in favorable settlement.

Defended firearms supplier and shooting range operator, along with

corporate officers, against contract and fraud claims, resulting in favorable settlement.

Represented affordable housing developer in access-easement dispute arising from commercial land sale, resulting in favorable settlement.

### **Construction Litigation**

Representing general contractor in multi-project dispute with subcontractor over deficient work.

Successfully obtained judgment on behalf of general contractor against defaulting subcontractor.

Defended construction management firm in ongoing litigation against condominium association asserting construction defects.

### **Constitutional Litigation**

Representing commercial property management firm in constitutional litigation against county for denial of due-process rights.

Successfully defended hospital group executive officers against constitutional and civil rights claims pertaining to COVID-19 vaccination policy.

Represented biogas facility in regulatory takings action against county government, culminating in two-week-long bench trial.

Defending hospital group against constitutional and civil rights claims pertaining to COVID-19 vaccination policy.

### **Appeals**

Defending cannabis cultivation company in Colorado Court of Appeals to preserve jury verdict and attorney fees award.

In Fifth Circuit appeal, representing foreign oil and gas developer in arbitration award confirmation proceedings.

In Tenth Circuit appeal, successfully obtained reversal of multi-million-dollar attorney fees award.

In Tenth Circuit appeal, successfully obtained reversal of multi-million-dollar lost profits award in contract dispute.

In Colorado Supreme Court, represented business organization acting as amicus in dispute over Colorado statutes regulating insurance companies.

### **Pro Bono**

Represented small-business owner in fraud action against prior business owner, resulting in favorable settlement.

Assisted in appeal on behalf of mother challenging a child-custody order in

family dispute.

Appear at various court conferences on behalf of pro se litigants through the District of Colorado's Federal Limited Appearance Program.

### **PUBLICATIONS**

"MLRC Employment Libel and Privacy Law 2024: 50-State Survey | Survey of Colorado Employment Libel Law," 2023

"Tenth Circuit Recognizes Constitutional Right To Record the Police," *Law.com*, 08/11/2022

"Tenth Circuit Sua Sponte Raises Preclusive Effect of Settlement Agreement to Vacate Preliminary Injunction Relating to Denver Homeless Sweeps," *Law.com*, 06/13/2022

### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- District of Colorado Federal Limited Appearance Program, Volunteer
- Colorado Lawyers' Committee, Denver Legal Night, Volunteer