



Geraldine Brimmer

Partner

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Gerry Brimmer helps clients win their most important disputes.

Gerry works strategically with clients to understand their primary business objectives and the impact of the dispute. She has worked with clients of all sizes in diverse fields. With over 30 years of experience of trying cases in state and federal courts before both judges and juries, as well as before commercial arbitration panels, Gerry understands the importance of delivering results.

Gerry also brings substantial experience in alternative dispute resolution such as mediation.

Gerry's clients come from a wide variety of industries, including oil and gas, coal, financial services, real estate, professional services, health services, franchise, and insurance industries.

Gerry clerked for the Honorable Robert H. McWilliams, United States Court of Appeals for the Tenth Circuit (1983-1984).

Gerry teaches trial techniques at the National Institute of Trial Advocacy.

PRACTICES

Commercial Litigation
 Alternative Dispute Resolution
 Appellate
 Insurance Coverage and Risk Management
 Product Liability

INDUSTRIES

Energy and Resources

EDUCATION

University of Denver, J.D., 1983
Law Review, Editor

Smith College, B.A., 1979

BAR ADMISSIONS

Colorado

EXPERIENCE

Commercial Litigation

- Contractual disputes of all kinds, including Uniform Commercial Code issues
- Contractual disputes involving complex securitization issues, including bond financing, *force majeure* issues, utility and coal production issues, and complex damage issues
- Business torts, including misrepresentation, negligent misrepresentation, breach of fiduciary duty, concealment, conversion, and tortious interference
- Product liability claims
- Corporate disputes, including management/leveraged buyouts, mismanagement, investment banking issues, officer/director duties, and shareholder issues
- Partnership and limited liability company disputes, including fiduciary duties, valuation, and dissolution
- Real Estate valuation jury trial

Environmental Litigation

- Complex litigation against a potential responsible party for natural resource damages under CERCLA involving compensable value damages based on the contingent valuation methodology and on random utility modeling
- Trial to a federal court involving the determination and quantification of injury to aquatic, terrestrial, and groundwater natural resources at four Superfund sites

Natural Resource Litigation

- Oil and gas disputes
- Coal contract disputes

CLIENT RESULTS

Obtained defense verdict for large regional insurance broker after nine-day jury trial involving claims of breach of contract and breach of fiduciary duty for over \$3 million; successfully dismissed fraud, civil theft, professional malpractice, and negligent supervision claims on dispositive motions granted immediately before trial.

Obtained a complete defense verdict after one-week jury trial on breach of contract and breach of good faith and fair dealing claims involving exclusive licensing agreement; motion for summary judgment on plaintiff's claim of breach of contract as to third-party beneficiary was granted prior to trial.

Obtained partial summary judgment on economic loss rule barring tort claims and barring lost profits damages based on their speculative nature.

Tried two-week bench trial for major refinery regarding negligence and breach of contract claims.

Tried three-month bench trial on natural resource damages claims under CERCLA in federal court in Montana; case eventually was settled.

Successfully resolved complex claims for conversion, trespass, negligence, intentional interference with contract and unjust enrichment against major oil and gas client involving production and storage of natural gas in underground reservoir.

Obtained jury verdict for coal client against purchaser enforcing long-term contract.

Obtained dismissal of judgment creditor's claims against alleged Colorado real estate asset of former Philippines President Marcos.

Obtained partial summary judgment for oil and gas producer in federal court litigation involving complex claims of breach of contract and tortious interference relating to development and operation of oil and gas properties in Michigan.

SPEAKING ENGAGEMENTS

"Real Persuasion in the Fake News Era," *Co-presenter, National Institute for Trial Advocacy Webinar, March 29, 2018*

"Trial Advocacy In a World of Fake News and Alternative Facts," *ABA Women in Litigation Joint Conference, November 16, 2017*

RECOGNITION

- Martindale-Hubbell, AV Preeminent Rating

PROFESSIONAL AND CIVIC AFFILIATIONS

- American Bar Association, Member
- Denver Bar Association, Member
- Boulder Bar Association, Member
- Colorado Bar Foundation, Member
- Litigation Counsel of America, Member
- National Institute of Trial Advocacy (NITA), Instructor
- Colorado Bar Association, Member
Board of Governors, 1995-1996
- Boulder Day Nursery Association, Board of Directors, 2009-2018