



## Paul Swanson

Partner

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**Paul counsels his clients—from start-ups to Fortune 500 companies—regarding all phases of dispute resolution and is an experienced advocate for their interests in court.**

### PRACTICES

Business Litigation  
Antitrust and Competition  
Appellate  
Intellectual Property Litigation  
Government Contracts  
Cross-Border Solutions

### EDUCATION

Cornell Law School, J.D., 2012  
*summa cum laude*  
Kerr Family Memorial Prize  
  
University of California - Berkeley, B.A.,  
2006  
*magna cum laude*  
California Alumni Association Scholar

### BAR ADMISSIONS

Colorado  
New York

### COURT ADMISSIONS

U.S. Court of Appeals for the Tenth  
Circuit  
U.S. Court of Appeals for the Seventh  
Circuit  
U.S. District Court for the District of  
Colorado  
U.S. District Court for the Southern  
District of New York  
U.S. District Court for the Northern  
District of Texas  
U.S. District Court for the Western District  
of Oklahoma

When clients face litigation, Paul collaborates with them to identify core interests, minimize risk, and efficiently pursue their objectives. With a focus on antitrust litigation and a client base in technology and logistics, Paul manages state and federal lawsuits and arbitration and engages in all stages of dispute resolution, from pre-litigation assessment and negotiation to trial and appeal. Paul provides clients with turnkey solutions to ensure that court fights do not distract from business priorities, and he harnesses experience managing large, complex cases to give clients strategic insights that harmonize corporate goals with the demands of litigation.

Prior to joining Holland & Hart, Paul worked at Sullivan & Cromwell and Patterson Belknap in New York City, and he served as a law clerk to U.S. District Court Judge Richard J. Sullivan of the Southern District of New York. Before law school, he served as a policy aide in the Washington offices of Congresswoman Ellen O. Tauscher of California and Congressman Harry E. Mitchell of Arizona.

### EXPERIENCE

#### General Commercial Litigation

Paul has managed in-court proceedings at every stage for clients across the country and is go-to litigation counsel for one of Colorado's largest publicly traded companies. Paul has served as lead counsel for multiple trial teams, both on the plaintiff's and defendant's side, and has prevailed for his clients through pre-litigation negotiation, TRO and preliminary injunction proceedings, early in-court dismissals, summary judgment, and trial practice.

Paul's general litigation practice focuses on contract, business tort, and intellectual property claims and runs the gamut from simple six-figure contract disputes to multi-year, nine-figure financial fraud litigation. For simple contract cases, Paul has developed an efficient framework that gives clients legal-fee certainty and quick recoveries through aggressive pre-litigation and in-court action and swift use of state and federal post-judgment enforcement tools. For complex litigation, Paul manages teams of lawyers and paralegals and ensures that, at each incremental step, his team adds value for the client and advances toward the client's ultimate goals.

## Antitrust

Paul advises clients from regional grocery chains to Fortune 100 companies about risk associated with pricing, market control, and commercial collaborations under the Sherman Act, Clayton Act, Robinson-Patman Act, and various state competition laws. Paul has developed antitrust compliance programs for multiple clients and conducts trainings for executives and other personnel to prevent liability for anticompetitive conduct and potential regulatory action.

In addition to advising companies, Paul actively litigates antitrust cases, serving as counsel for both plaintiffs and defendants. He prosecutes and defends claims for collusion and monopolization under Sections 1 and 2 of the Sherman Act and for price discrimination under the Robinson-Patman Act. Paul has developed innovative approaches to monopolization theories and has presented, published, and been cited by business media on antitrust issues.

## Appeals

Paul has briefed and argued appeals in state and federal courts in Colorado, New York, and Illinois. He brings confidence and an exhaustive understanding of the record to the courtroom and relishes the opportunity to face cross-examination from a panel of judges. Paul has successfully defended judgments for breach of contract, fraud, human trafficking, and wage violations and has won reversals of multimillion-dollar judgments predicated on legal error.

## CLIENT RESULTS

### Antitrust Advice and Litigation

Represented distributor in \$60 million federal action alleging Sherman Act, Robinson-Patman Act, and state law claims and defeated motion to dismiss federal and state antitrust claims before obtaining settlement

Won dismissal of Sherman Act Section 1 *per se* and rule-of-reason claims brought against global apparel company based on brand-management activity on Amazon.com

Advised major U.S. aerospace company regarding intellectual property protection and antitrust risk associated with bidding process for government and commercial space contracts

Represented financial services company in connection with anticipated litigation over Sherman Act collusion claims

Represented U.S. sports league in anti-monopoly litigation under Sherman Act and California and Colorado competition statutes

Represented private software company in federal district and appeals courts over antitrust and contract claims against a major aerospace company

Designed antitrust compliance policy and training program for global trade association comprising multiple Fortune 500 companies and conducted trainings for members' executives

Advised U.S. energy company on antitrust implications of selective sharing of pipeline capacity and developed strategy to avoid risk

Advised media company regarding Sherman Act risk associated with planned agreement to consolidate market position and identified strategies to reduce exposure

Advised education publisher on tying and bundling risk associated with nationwide sales strategy and developed analysis to mitigate risk

Advised national agricultural trade association regarding potential antitrust liability associated with information-collection and -sharing for agricultural and non-agricultural members and conducted analysis charting course to avoid liability

Advised Western grocery chain regarding utilization of no-poach and anti-solicitation provisions in partner agreements

### **Appellate Litigation**

Representing asylum applicant in proceedings before Board of Immigration Appeals after lower court applied 2018 Department of Justice guidance directing removal of immigrants fleeing domestic violence

Won full affirmance in Tenth Circuit appeal defending jury verdict for claims under the Trafficking Victims Protection Reauthorization Act

Successfully defended dismissal of contract claims in Seventh Circuit appeal for Fortune 500 technology company

Won reversal of a multimillion-dollar forfeiture order against a nonprofit cultural institution in an appeal to the U.S. Court of Appeals for the Second Circuit

Prevailed in appeal before the Colorado Court of Appeals to secure injunctive relief against unlawful taxation of Colorado energy company

Represented private software company in Tenth Circuit appeal defending a \$43 million jury verdict

Represented incarcerated defendant in precedential appeal to New York appellate division related to charges pursued without adequate predication

Represented executor and conservator of various estates in multiple Colorado state appeals arising from disputes over management of estates and disposition of assets

### **General Commercial Litigation**

Serve as lead counsel for Fortune 500 technology company in dozens of state and federal litigations against breaching manufacturers, re-sellers,

and other counterparties

Led trial team and won sweeping judgment on contractual and equitable claims brought on behalf of CRM company after a failed corporate acquisition

Led trial team in contract and fraud action in Texas federal court and secured seven-figure settlement on eve of trial

Served as lead counsel for major Colorado technology company in breach-of-contract action with customer; secured full, seven-figure judgment

Won full dismissal of seven-figure claims in Illinois state court action as lead counsel for a Colorado software company

Represented financial guaranty insurers in litigation and nine-figure settlement of claims for fraud and breach of contract arising from the origination and securitization of residential mortgage-backed securities

Represented "Big Three" automotive engineer in Congressional interviews, regulatory inquiries, and civil litigation related to nationwide litigation over ignition switch and airbag deployment

Represented private aerospace company in arbitration proceedings before the International Chamber of Commerce

Managed response to SEC investigative subpoena for large publicly traded client

Conducted internal investigation and reported to board-of-directors on suspected corruption in foreign office of an international trade association

Represented multiple individuals in state and federal investigations related to international tax shelters and non-profit-entity status

Represented major Colorado packaging company in breach of contract dispute and obtained full six-figure settlement against defaulting customer

Defended Colorado-based software company against third-party subpoenas pertaining to intellectual property disputes over streaming services

Represented apparel start-up company in successful pre-litigation negotiations to avoid copyright-infringement claims by designers

Blocked copyright and trade secret claims against Fortune 500 food-and-beverage company accused of misappropriating designs from engineering firm

Represented Fortune 500 food-and-beverage company in successful resolution of a trademark dispute with its key competitor

Won summary judgment for a religious group in a federal civil rights action against a New Jersey township that denied the group's application to build

a house of worship

Obtained injunctive relief on behalf of natural resources company to block unlawful property taxes assessed by a quasi-governmental entity

Represented multiple hedge funds in defending against third-party subpoenas pertaining to claims over failed residential mortgage-backed securities

## **PUBLICATIONS**

"Colorado's New Antitrust Law Empowers Attorney General to Challenge Mergers & Acquisitions," *Holland & Hart News Update*, Co-Author, 03/27/2020

"10th Circuit's Limitations Ruling Feeds Circuit Split Over ADA," *Law.com*, 12/12/2019

"Downturn Diligence: Increasing Your Business's Recession Resilience," *Corporate Counsel*, Co-Author, 02/07/2019

"Limitless Limitations: How War Overwhelms Criminal Statutes of Limitations," *Cornell Law Review: Volume 97, Issue 6*, September 2012

## **RECOGNITION**

- *Best Lawyers: Ones to Watch in America™*, Commercial Litigation, 2021-2023
- Colorado Super Lawyers® Rising Stars, Business Litigation, 2022, 2023

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Association, Antitrust Section, Member
- Colorado Bar Association, Member
- Denver Bar Association, Member
- Denver Metro Chamber of Commerce, Leadership Foundation
- Faculty of Federal Advocates