



## SCOTT S. BARKER

### Senior Counsel

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**In 36 years of practice, Scott Barker has tried more than 80 cases to verdict, including three certified class actions. He represents Fortune 500 companies and other sophisticated clients in oil and gas, financial services, technology, manufacturing, and distribution in a range of high-stakes litigation.**

**Scott is a Fellow of the American College of Trial Lawyers and an AAA-trained mediator and arbitrator.**

### EDUCATION

Harvard Law School, J.D., 1981,  
*cum laude*

Oxford University, M.Phil., 1973  
Rhodes Scholar

United States Air Force  
Academy, B.S., 1970

### OTHER EXPERIENCE

Holland & Hart LLP  
Partner, 1987-2010  
Management Committee  
Chair, 1997-2003

Associate, 1981-1987  
United States Air Force  
Active duty, including  
assignments in Southeast Asia  
and

The Pentagon, 1970-1978  
Honorably discharged as  
Captain, 1978

### ADMISSIONS

Colorado

### HIGHLIGHTS

- Currently serving as sole arbitrator in a major breach of contract dispute.
- Served as panel chair in a complex, multimillion-dollar dispute involving gas properties in Wyoming.
- Successfully opposed plaintiffs' certiorari petition to Colorado Supreme Court, eliminating \$750 million exposure to BP.
- Defeated class certification claims against BP in federal court in Wyoming.
- Served as lead class action defense counsel for BP America Production Company in six class actions, including two jury trials to verdict against certified classes of royalty claimants.
- Defeated class certification for Nash Finch (now SpartanNash) against alleged violations of the Colorado Consumer Protection Act and won summary judgment against the 55 named plaintiffs.
- Served as lead counsel to Valero in a series of four arbitrations involving cost-sharing disputes over environmental cleanup at a gasoline refinery in Denver, CO.

### INDUSTRIES

- Oil & Gas
- Natural Resources
- Energy
- Real Estate
- Construction & Engineering
- Financial Services

### PRACTICE AREAS

- Mass Torts
- Environmental Litigation
- Toxic Torts
- Class Actions
- Commercial Litigation
- Personal Injury Defense
- Product Liability
- Antitrust & Competition

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## BIOGRAPHY

In 36 years of private practice, Scott Barker has tried more than 80 cases (including three class actions to verdict) for international, national, and Western regional companies across a wide range of disciplines. Scott has also represented clients in approximately 80 complex mediations and numerous arbitrations over his career, achieving favorable outcomes in the vast majority of these, particularly in the oil and gas arena.

Scott is a Fellow of the American College of Trial Lawyers and a Member of the American Board of Trial Advocates. He is consistently listed in *Chambers USA*, *Best Lawyers* (including as Lawyer of the Year) and *Colorado Super Lawyers* (including multiple appearances in the Top 10 and Top 50 Lawyers in Colorado lists).

As an AAA-trained mediator and arbitrator, Scott brings his extensive litigation experience and case assessment skills to help litigants resolve disputes outside of court. Thanks to his experience, Scott understands how to guide parties to resolution, how to demand that parties apply procedures and facts to support their positions, and where to apply pressure—often in multiple directions simultaneously—to help parties achieve productive compromises.

## CASES

- Currently serving as sole arbitrator in a major breach of contract dispute.
- Served as panel chair in a complex, multimillion-dollar dispute involving gas properties in Wyoming.
- Successfully opposed plaintiffs' certiorari petition to the Colorado Supreme Court, leaving in place a Court of Appeals ruling in favor of BP and eliminating a \$750,000,000 exposure threat in alleged moratory interest.
- *Belmont v. BP America Production* (D. Wyo. 2015) - Defeated class certification for BP in a natural gas royalties underpayment case heard in federal court in Wyoming.
- Served as lead class action defense counsel for BP America Production Company in six class actions, including two jury trials to verdict against certified classes of royalty claimants.
- Defeated class certification for Nash Finch (now SpartanNash), a Fortune 500 food distribution company, in claims involving common law fraud, civil theft, and violations of the Colorado Consumer Protection Act stemming from complaints about a specific pricing program in various grocery stores. WTO then obtained summary judgment against the 55 named plaintiffs.
- Headed up Exxon's Underground Storage Tank litigation team, trying one case successfully to verdict and supervising the litigation of approximately 12 other cases.
- Served as lead counsel to Valero in a series of four arbitrations involving cost-sharing disputes over environmental cleanup at a gasoline refinery in Denver, CO.

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- Obtained summary judgment for Lockheed Martin with regard to the majority of potentially \$2 billion in exposure in a major federal False Claims Act case in Idaho. Allegations included false claims associated with a contract for management of the U.S. Department of Energy facility in Idaho Falls, ID. Following summary judgment, the remainder of the case settled favorably.
- Served as lead trial counsel to Asarco, Inc., in a six-week class action jury trial in Denver District Court involving allegations of heavy metals contamination in the area surrounding Asarco's cadmium refinery.
- Served as lead counsel to International Paper in a family of insurance coverage cases, including bench and jury trials in state court in San Francisco.
- Represented Kerr-McGee/Anadarko as lead trial counsel in a federal False Claims Act jury trial involving oil royalties on offshore federal leases and in a federal jury trial involving allegations of misappropriation of seismic data.
- Served as lead counsel to Amoco Production Co. in a major groundwater contamination case in southwestern Colorado and northwestern New Mexico. Plaintiffs alleged Amoco's gas production operations had contaminated domestic water supplies across an area the size of Rhode Island. The putative class action, if certified, would have produced exposure in the billions of dollars. Scott's team defeated class certification and successfully tried the named plaintiffs' cases to a jury.
- Represented Aspen Skiing Company as lead trial counsel for over a decade, handling more than 30 cases, including 10 defense verdicts.
- Represented AT&T as lead counsel in a complex telecommunications dispute in federal court in Colorado.
- Served as lead counsel to Computer Associates in a complex business tort jury trial in federal court in Utah.
- Obtained a defense verdict for ARCO/Thunder Basin Coal Company in an antitrust case involving real estate development incident to a client's coal mining operations in Campbell County, Wyoming.

## REPRESENTATIVE CLIENTS

BHP Billiton  
BP America Production  
SpartanNash  
USAA  
Valero

## BAR & COURT ADMISSIONS

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

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## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Arbitrator, Denver ADR Panel, CPR Panels of Distinguished Neutrals

American College of Trial Lawyers

Fellow

American Board of Trial Advocates

Member

*The Best Lawyers in America*

Denver Mass Tort/Class Action Litigation Lawyer of the Year, 2018

Denver Bet-the-Company Litigation Lawyer of the Year, 2013

Bet-the-Company Litigation, 2006-2019

Commercial Litigation, 2006-2019

Environmental Litigation, 2016-2019

Mass Tort/Class Action Litigation, 2006-2019

*Chambers USA*

Commercial Litigation - Colorado, 2005-2018

*Colorado Super Lawyers*

Business Litigation, 2006-2018

Top 100, 2012-2018

Top 10, 2008, 2010

Top 50, 2006-2011

*Denver Business Journal*

Who's Who in Energy Law, 2012-2014

Best Business Litigator in Denver, 2003

*Benchmark Litigation*

Commercial Litigation - Colorado, 2011-2018

Litigation Counsel of America

Member

American Bar Association

Colorado Bar Association

Denver Bar Association

Martindale-Hubbell AV® Peer Review Rated\*

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Past President, Board of Trustees, Denver Christian Schools

Lay Assessor, Ecclesiastical Proceeding for the Episcopal Diocese of Colorado

## ARTICLES & PRESENTATIONS

- "An Overview of Presidential Impeachment," *The Colorado Lawyer* (August/September 2018).
- "Practical Tips for Preparing and Trying an Oil and Gas Case," presented at The Institute for Energy Law's 63rd Annual Oil & Gas Law Conference (February 16, 2012).