

**PRACTICES:**

- FCPA Compliance
- Compliance and Investigations
  - Fraud and Criminal Investigations
- Litigation
  - Antitrust and Unfair Competition
  - Appellate
  - Fraud and Criminal Investigations Litigation
- White Collar Defense

**PROFESSIONAL ACTIVITIES:**

- Broker, California Department of Real Estate



**Raymond O. Aghaian**

Partner - Los Angeles  
raghaian@mckennalong.com

300 South Grand Avenue  
Suite 1400  
Los Angeles, CA 90071

TEL: 213.243.6160  
FAX: 213.243.6330

**Experience**

Ray Aghaian is a partner in the Los Angeles office of McKenna Long & Aldridge where he focuses his practice on white collar criminal defense and complex civil litigation. Ray Aghaian is an experienced trial lawyer who has never lost a trial verdict submitted to a judge or jury for deliberation. Mr. Aghaian also has significant appellate experience and has briefed and argued a number of cases before the Ninth Circuit Court of Appeals.

From January 2005 to January 2012, Mr. Aghaian served as an Assistant United States Attorney with the Department of Justice in the Central District of California, where he was a member of the Cyber & Intellectual Property Crimes Section. Mr. Aghaian helped lead the Department's efforts to address an array of white collar crimes including: bribery, copyright and trademark infringement, health care fraud, theft of trade secrets, cyber intrusion, mail, wire, and bank fraud, money laundering, tax evasion, and mortgage fraud.

Most recently, after law enforcement authorities executed a search warrant and arrested a corporate officer in a matter involving allegations of embezzlement and accounting fraud amounting to approximately \$800,000, Mr. Aghaian obtained a dismissal of all criminal proceedings against the corporate officer. In the area of cyber security, Mr. Aghaian successfully limited the scope of review of a defense contractor's computer systems by the Naval Criminal Investigative Service (NCIS) to non-proprietary files and the malicious code installed on the computer systems resulting from a cyber hacking incident. Mr. Aghaian has also advised cyber security firms on the application of the Price-Anderson Act to the improvement and evaluation of cyber security systems at nuclear power plants.

Some of Mr. Aghaian's prosecutions during his seven-year tenure in the United States Attorney's Office include:

- Leading the prosecution of a highly publicized multi-agency public corruption matter of an Assistant Chief Counsel at ICE on charges of bribery, obstruction of justice and tax evasion. As a result of securing a guilty verdict on every count at trial, Mr. Aghaian obtained one of the longest federal corruption sentences in United States history;
- Leading the prosecution of co-conspirators involved in one of the largest Medicare fraud schemes ever perpetrated by a single criminal enterprise amounting to approximately \$160,000,000 of Medicare fraud proceeds;
- Appointed as special prosecutor in the District of Nevada and leading the prosecution of a multi-agency and multi-jurisdiction complex international cyber fraud and money laundering scheme;

**McKenna Long  
& Aldridge<sup>LLP</sup>**

**Publications:**

- "*United States v. Nosal* No. 10-10038 (9th Cir. April 10, 2012)," *MLA Litigation Advisory*, April 17, 2012.

- Leading the prosecution of the theft and attempted sale of trade secrets in relation to the manufacture and production of commercial and military aircraft parts;
- Leading the prosecution of cyber attacks launched against a celebrity rock and roll legend by members of an international cyber hacking group;
- Leading the prosecution of a corporate CEO/accountant for filing false corporate tax returns resulting in a \$700,000 tax loss to the United States;
- Leading the prosecution of the sale of misbranded medication in violation of FDA regulations;
- Prosecuting a \$29,000,000 multi-agency mortgage fraud and bank fraud conspiracy orchestrated by a 100-employee brokerage firm;
- Prosecution of the importation and attempted sale of counterfeit designer apparel and jewelry from China exceeding a retail value of \$20,000,000.

Mr. Aghaian was nominated for the prestigious Attorney General's Award, the highest award in the Department, and received numerous accolades from various law enforcement agencies including:

- Immigration & Customs Enforcement (ICE) Director's Award for Excellence;
- Special Recognition by FBI Director, Robert S. Mueller III;
- Housing & Urban Development Inspector General's Award for Excellence;
- ICE Assistant Director's Award for Excellence;
- FBI Los Angeles Special Agent in Charge Award for Outstanding Service;
- IRS-Criminal Investigations Los Angeles Special Agent in Charge Award for Outstanding Service;
- Department of Labor Los Angeles Special Agent in Charge Award for Outstanding Service.

In 2010, Mr. Aghaian was a guest speaker on the topic of criminal investigations of cyber crimes at the Australian Computer Emergency Response Team conference with over 1,200 attendees.

Prior to his appointment as an Assistant United States Attorney, Mr. Aghaian was an intellectual property litigation associate at national law firms. Mr. Aghaian served as a law clerk to Associate Justice, Marvin R. Baxter of the California Supreme Court during law school.

#### **Education**

- J.D., University of California, Hastings College of Law, 2001; member of the Hastings International & Comparative Law Review
- B.A., University of California, Santa Barbara, 1996

#### **Admitted**

- California

- District of Columbia
- Ninth Circuit Court of Appeals
- Federal District Courts for Northern, Central, and Southern California

## PRACTICES:

- Government Contracts
- Environment, Energy & Product Regulation
  - CERCLA, Remediation and Brownfield Redevelopment
  - Chemicals, Pesticides and Product Regulation
  - National Environmental Policy
- Litigation
  - Business Disputes / Commercial
  - Class Action Defense
  - Fraud and Criminal Investigations Litigation
  - Federal Issues Litigation
  - Product Liability and Toxic Torts

## INDUSTRIES:

- Aerospace and Defense
- Chemicals
- Construction & Engineering
- Life Sciences and Biotechnology
- Technology
- Transportation

## CIVIC ACTIVITIES:

- Board Member, Hispanic National Bar Foundation
- Board Member, Fairfax County Education Foundation

## PROFESSIONAL ACTIVITIES:

- Women's Bar Association of the District of Columbia
- American Bar Association



## Tami Lyn Azorsky

Partner - Washington, DC  
tazorsky@mckennalong.com

1900 K Street NW  
Washington, DC 20006

TEL: 202.496.7573  
FAX: 202.496.7756

## Experience

Tami Azorsky is Chairperson of the Litigation Department and a recognized expert in product liability, occupational and environmental exposure, and environmental litigation. Ms. Azorsky represents regulated businesses and government contractors in trials and appeals of class actions, mass torts, and environmental matters. She succeeded in defeating class certification in a case filed by current and former workers alleging silica exposure during the drilling of tunnels at Yucca Mountain, the nation's proposed repository for spent nuclear fuel. She was lead trial counsel for a former Department of Energy contractor in one of the first and most complex cases filed by a state seeking damages for harm to natural resources under state and federal law. *New Mexico v. General Electric Co., et al.*, 467 F.3d 1223 (10<sup>th</sup> Cir. 2006). She has brought successful contribution claims against the government for recovery of environmental remediation costs for several major corporations.

Ms. Azorsky is skilled at bringing together the mix of statutory, regulatory and constitutional law that provides a unique pre-trial defense for her clients. She is equally adept at developing the complex expert testimony necessary to prevail in personal injury, property damage, and environmental litigation, at debunking the opposition's experts, and at developing and presenting complex scientific and factual situations to judges and lay juries. Often her clients are facing political or media focus, as well as the plaintiffs. Ms. Azorsky works with her clients to prepare a coordinated defense that addresses the court, the regulators, and the public and political interests.

Her environmental practice includes existing and emerging issues. She frequently defends companies facing personal injury, property damage and natural resource damage claims arising out of distribution of products or contamination of air or ground and surface water by a wide variety of industrial chemicals, including PCBs, TCE, mercury, arsenic, chromium, perchlorate, and radioactive materials. In addition to litigating, Ms. Azorsky counsels government contractors attempting to comply with environmental regulations. More than 25 years of experience has provided Ms. Azorsky with the skills to advise corporate executives on navigating often contradictory government contract and environmental requirements. Ms. Azorsky also counsels clients on best practices to satisfy government customers or regulators in a way that avoids the situations that may lead to litigation.

Ms. Azorsky also represents her regulated clients in cases involving constitutional, statutory and regulatory issues in federal courts and before administrative agencies. She is a skilled general civil litigator as well, representing clients in disputes over stock and asset purchase agreements, real estate contracts, misappropriation of trade secrets, and employee relations.

McKenna Long  
& Aldridge<sup>LLP</sup>

## Publications:

- "Congressional Testimony: What To Do (And Not Do)," *Law360*, (April 2010).

In addition to leading the Litigation Department, Ms. Azorsky serves on the firm's Board of Directors and is co-chair of the firm's Efficiency Task Force. She is also a mentor for attorneys at the firm and for law students through the Georgetown University Women of Color Collective.

## Notable Engagements

*(Non-confidential)*

*City of Alexandria, Virginia Sanitation Authority v. Hooff-Fagelson Tract, LLC* (City of Alex. Cir. Ct.). Counsel for landowner in the valuation phase of condemnation action. The City had seized the property under its right of eminent domain and valued the land at \$20 million. A few weeks prior to trial, the City agreed to pay \$36 million for the land.

*Stevens v. Battelle Memorial Institute, et al.*, 488 F.3d 896 (2007), 994 So.2d 1062 (Fla. 2003), 561 F.3d 1200 (2009). Counsel for Battelle Memorial Institute in case filed by the family of individual who died after the mailed anthrax attacks in 2001. Argued case in 11<sup>th</sup> Circuit and in Florida Supreme Court on a certified question of law. Plaintiff voluntarily dismissed Battelle.

*Shutes, et al. v. Platte Chemical Co., et al.*, and three related cases (Wash. Cty. Super. Ct.). Defense of owner of a pesticide formulation facility in Greenville, Mississippi, in tort cases involving 63 plaintiffs alleging releases from the facility over 30 years caused personal injury and property damage. Case settled on favorable terms.

*Blackstone Medical, Inc. v. Osiris Therapeutics, Inc.* (D. Mass.). Defense of Osiris Therapeutics against an attempt by distributors to obtain a temporary restraining order to block sale of Osiris Therapeutics' Osteocel business. Court denied the request for a temporary restraining order and the company completed the sale.

*Griego, et al. v. Bechtel National, Inc., et al.* (D. Nev.). Defense of five companies involved in the drilling of the tunnels at Yucca Mountain, Nevada, the nation's proposed spent nuclear fuel repository, in a class action alleging exposure to silica, diesel emissions, and other chemicals in the drilling of the tunnels. After defeat of class certification, the plaintiffs decided not to pursue their claims in litigation.

*State of New Mexico v. General Electric Co., et al.*, 467 F.3d 1223 (10<sup>th</sup> Cir. 2006). Defense of AEC contractor at the South Albuquerque Works in Albuquerque, New Mexico. Cases sought damages for harm to natural resources caused by releases of solvents and other contaminants under CERCLA and state tort law. Obtained summary judgment for defendants which was affirmed by the Tenth Circuit.

*New Jersey Department of Environmental Protection, et al. v. Viacom, Inc., et al.*, Superior Court of New Jersey, Law Division - Essex County, No. ESX-L-1486-06. Defense of natural resource damage action filed by the State of New Jersey against a former owner and operator of a manufacturing facility that handled uranium, thorium, and industrial chemicals.

*CBS v. United States* (D.D.C.). Counsel for CBS in cost recovery action against the United States. Obtained favorable percentage of clean up costs for remediating uranium contamination in soil and

groundwater.

*United States v. Hercules* (N.D.W.Va.). Defense of cost recovery action seeking portion of cost of cleanup of the Allegheny Ballistics Laboratory.

*Hercules v. United States* (D.D.C.). Counsel for Hercules in cost recovery action against the United States. Obtained favorable percentage of clean up costs for soil and groundwater remediation.

*Euclaw Marina and Campground, et al. v. Union Carbide Corporation, et al.* (E.D. Tenn). Defense of former DOE nuclear weapons contractor in a surface water contamination case alleging that presence of radioactive material, mercury, PCBs, and other contaminants devalued properties and businesses. Case settled on favorable terms at the direction of DOE. DOE reimbursed legal fees and costs and paid the settlement.

*Robinson v. Union Carbide Corporation*, 805 F.Supp. 514 (E.D. Tenn. 1991). Defense of former DOE nuclear weapons contractor in mercury poisoning case. Obtained summary judgment for the defendant. DOE reimbursed legal fees and costs.

*Albright & Wilson Americas, Inc., et al. v. N.L. Industries, Inc., et al.* (S.D. Ohio). Defense of former DOE nuclear weapons contractor and its parent corporation in property damage suit arising out of uranium contamination in groundwater. Case settled with no payment or affirmative action required of the defendant. DOE reimbursed legal fees and costs.

*Cordova v. Hughes Aircraft Co. et al.* (Pima Cty. Super. Ct.); *Yslava et al. v. Hughes Aircraft Co. v. Tucson Airport Authority et al.* (D. Ariz.); *Lanier v. Hughes Aircraft Co. v. Tucson Airport Authority et al.* (D. Ariz.). Counsel for former operator of site leased by the United States during World War II and provided to the contractor to perform aircraft modifications. The cases included personal injury, property damage, and medical monitoring allegations. In *Cordova*, the court denied class certification for personal injury, property damage, and medical monitoring claims. A favorable settlement was later reached. In *Yslava* and *Lanier*, defendants obtained summary judgment on the issue of proximate cause leading to successful settlement of the personal injury claims and the certified class for medical monitoring.

*Roese v. Battelle Memorial Institute, et al.*, 1991 WL 10923 (Ohio App.). Defense of company in wrongful termination and personal injury action alleging exposure to thorium and other radioactive materials. Summary judgment for defendant affirmed on appeal.

*United States v. General Dynamics Corp.* (E.D. Tex.). Defense of operator of Air Force Plant No. 4 in Clean Air Act Enforcement action. Plant operator filed a counterclaim against the United States. After a ruling by the court holding that the plant operator could only be penalized if it failed to install emission controls for which the United States had provided funding, the case settled. The settlement provided that the plant operator would pay EPA \$350,000, the United States would pay the plant operator \$350,000, and no money would change hands.

*Natural Resource Defense Council v. McDonnell Douglas Corp.* (D. Okl.). Defense of operator of Air Force Plant No. 3 in Clean Water Act Citizens' suit challenging operation of plant water treatment

systems. Case settled favorably.

*Texas Instruments, Inc. v. United States* (D. Mass.). Counsel for Texas Instruments in contribution action against the United States. Obtained favorable settlement for percentage of decontamination and decommissioning costs at privately owned facility used to manufacture nuclear fuel for the Department of Energy.

*BWX Technologies, Inc. v. United States* (D.D.C.). Counsel for BWX Technologies, Inc. in contribution action against the United States. Obtained favorable settlement for percentage of decontamination and decommissioning costs at privately owned facility used to manufacture nuclear fuel for the Department of Energy.

### **Education**

- J.D., The George Washington University Law School, 1984
- B.A., Pennsylvania State University, 1981

### **Admitted**

- District of Columbia
- Pennsylvania
- U.S. Supreme Court
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the DC Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. Court of Federal Claims

Brett Bowhan, Chief Counsel, Idaho Operations Office, for the Department of Energy. Mr. Bowhan formerly worked with Silver & Kelly in Litigation, and served as Clerk for Judge Charles Freedman. Mr. Bowhan negotiated major compliance agreements at INL and PA regions in 3 different states.

Mr. Bowhan received his J.D. in 1983 from the University of Denver.



# Battelle

*The Business of Innovation*



## **Vincent A. Branton**

Manager, Legal Department  
Battelle Memorial Institute, Pacific Northwest Division  
Pacific Northwest National Laboratory

In his current position, Vincent manages the Legal Department staff and resources to address Battelle's legal needs at the Pacific Northwest National Laboratory (PNNL). The Legal Department is comprised of attorneys and support staff. The Legal Department serves all aspects of Battelle's legal needs at PNNL including but not limited to legal issues pertaining to the environment, health, safety, quality, employment, national security, contracting, procurement, litigation, client counseling, and retention and management of outside counsel.

Vincent began his career as an engineer for Honeywell Inc. Space Systems Operations working primarily on the Space Station and Space Shuttle programs. He later worked with Lockheed Martin Energy Services Corporation (LMES) and its predecessors in engineering and managerial capacities before embarking on a career in law. Vincent developed an interest in intellectual property law while serving at LMES and joined the LMES Intellectual Property Law Department as a patent agent. While attending law school, Vincent also worked as a patent agent with the Honeywell, Inc. Legal Department and served as a federal judicial intern with the Honorable Magistrate Judge Tom McCoun, United States District Court, Middle District of Florida. Vincent worked for the UT-Battelle, LLC Office of General Counsel at the Oak Ridge National Laboratory (ORNL) before joining Battelle as the Intellectual Property Legal Services Manager at PNNL. Vincent served as the Intellectual Property Legal Services Manager at PNNL until 2008 when he became the Legal Department Manager at PNNL.

Vincent is a registered patent attorney and is currently a member of the Florida, Tennessee, and Washington bar associations. While attending the Stetson University College of Law (Stetson), Vincent served two years as a member of the *Stetson Law Review* where he was elected editor in chief for the 1998-99 edition. He received several service and academic awards while at Stetson and served on the National Conference of Law Reviews Executive Board during his third year. After graduation, Vincent was selected as a charter member of the Stetson Lawyers Association Advisory Board where he served two three-year terms. In his time away from his office, Vincent serves as the Scoutmaster for a local Boy Scout troop and formerly coached a local high school varsity lacrosse team. Vincent is currently a member of the Aircraft Owners and Pilots Association.

B.S., Electrical Engineering, University of Tennessee, Knoxville, 1989  
J.D., Stetson University College of Law, *cum laude*, 1999



**ROBERT J. BURKE**

Main Phone: 206.623.3427  
 Fax: 206.682.6234  
 Email: burke@oles.com  
 Location: Seattle

**PRACTICE EMPHASIS AND EXPERIENCE**

Construction  
 Government Contracts  
 Construction Defect  
 Commercial Litigation

Bob is one of the firm’s co-managing partners. For over 30 years, Bob’s practice has focused on the resolution of complex construction disputes for contractors, owners and design professionals on a national level. He has been involved in claims on numerous noteworthy projects including the Boston Central Artery, Supercollider, Seattle Art Museum, Los Angeles Metro Green Line, San Francisco Muni Metro Turnaround, and many others. Bob also has extensive experience in federal procurement and related matters. His knowledge in this unique area was gained in part while serving as a government trial attorney before the Armed Services Board of Contract Appeals and as an active member of the Public Contract Law Section of the American Bar Association. Prior to his private legal practice, Bob had a distinguished military career as an infantry officer (with qualifications as a Paratrooper, Pathfinder and Green Beret) and later as an attorney in the United States Army. He concluded his career in the United States Army Reserves as a Judge Advocate General attaining the rank of Colonel.

**PROFESSIONAL AND CIVIC INVOLVEMENT**

Washington State Bar Association, Construction Law Section  
 King County Bar Association  
 American Bar Association, Public Contract Law Section  
 Association of Drilled Shaft Contractors  
 Department of Energy Contractors Attorneys Association  
 Washington State Chairman for Public Contract Law Section  
 Fellow – American Bar Foundation

**COURTS**

Washington State Courts  
 U.S. District Court, Eastern and Western District of Washington

**EDUCATION**

J.D., University of South Carolina, 1975  
 A.B., Villanova University, 1968

**SEATTLE OFFICE**

701 First Street  
 Suite 1200  
 Seattle, WA 98101  
 Tel: 206.623.3427  
 Fax: 206.682.6234

**ANCHORAGE OFFICE**

745 West Fourth Avenue  
 Suite 190  
 Anchorage, AK 99501  
 Tel: 907.258.0106  
 Fax: 907.258.5007

**GENA E. CADIEUX**  
**DEPUTY GENERAL COUNSEL FOR TECHNOLOGY TRANSFER &**  
**PROCUREMENT**

Ms. Cadieux is the Deputy General Counsel for Technology Transfer and Procurement at the United States Department of Energy (DOE). She manages a legal staff responsible for providing legal counsel to the procurement and financial assistance, technology transfer and intellectual property, and contractor labor and pension activities of program offices throughout the Department, including the Offices of Environmental Management, Fossil Energy, Energy Efficiency and Renewable Energy, Nuclear Energy, and Science. She entered the Senior Executive Service in 2004.

Ms. Cadieux is a past co-chair of the American Bar Association Public Contracts Law Section's Bid Protest Committee. She is a frequent speaker on matters regarding government procurement and bid protests. Before joining the Department of Energy, Ms. Cadieux's legal experience included practice at Davis, Graham & Stubbs and serving as an Honors Program Attorney in the Civil Division of the Department of Justice. She began her career as a law clerk for Judge Roger Robb of the U.S. Court of Appeals for the D.C. Circuit.

Ms. Cadieux graduated magna cum laude from the Cornell Law School, where she was a Senior Editor on the Cornell Law Review and a member of the Order of the Coif. She received a bachelor's degree in Political Science with highest honors from the Pennsylvania State University and is a member of Phi Beta Kappa. She is a member of the District of Columbia Bar.

## **MATTHEW KIRSCH**

Chief Economics Crimes Section

United States Attorney's Office, District of Colorado

Matt Kirsch is the chief of the Economics Crimes Section of the United States Attorney's Office for the District of Colorado. He has been an AUSA for thirteen years and has specialized in prosecuting white collar crime for approximately ten years. He received his undergraduate degree from Harvard and his law degree from Duke. Matt also serves on the Executive Council of the Colorado Bar Association (CBA) Criminal Law Section and on the CBA Ethics Committee.

## **DENNIS A. LOVE**

Dennis earned a B.S. in Psychology from Brigham Young University in 1971, and an M.A. in Public Administration from Central Michigan University in 1977. He received his JD in 1985 from the University of Idaho College of Law, where he was a member of the Law Review. He is currently Vice President, General Counsel and Secretary for CH2M-WG Idaho, LLC (CWI), the Idaho Cleanup Project contractor at the Idaho National Laboratory site. Before joining CWI in 2005, Dennis was house counsel for EG&G Idaho, Inc. and Lockheed Martin Idaho Technologies, Inc., Managing Counsel for Bechtel BWXT Idaho, LLC, and was in private practice in Idaho Falls, Idaho. He has been a hearing officer for various Idaho administrative agencies for more than 25 years and was an Affiliate Associate Professor for the University of Idaho from 1990-2004. His in-house practice is diverse but emphasizes labor/employment law.

Dennis has served in various church and scouting positions throughout his life and for more than 25 years he has been a member of a popular Idaho Falls community choir that has performed numerous times on Temple Square in Salt Lake City, at Carnegie Hall and with the Jerusalem Symphony in Israel. In what little spare time he gets he loves to fly fish. He and his wife, Robyn, had their seventh child the month after Dennis started law school. They have eight children and 23 grandchildren.

## John T. Lucas

---

---

John is the Assistant General Counsel for Technology Transfer and Intellectual Property for the U.S. Department of Energy (DOE) in Washington, D.C. He is responsible for conducting the DOE's intellectual property and technology transfer programs and formulating DOE policy in those areas. Throughout his career at DOE, he has counseled program clients on issues concerning patent, trademark, and copyright law, as well as licensing, litigation, and technology transfer. Before joining DOE in 1994, John was in private practice in Chicago, IL.

Prior to entering law school, John worked as an engineer in the fields of air pollution consulting, semi-conductor manufacturing, and manufacturing R&D.

John holds a B.S. in Chemical Engineering from the University of Virginia, a J.D. from George Mason University School of Law, and a LL.M. in Intellectual Property *with honors* from the John Marshall Law School in Chicago. He is a member of the Illinois and District of Columbia Bars, and he is admitted to practice before the U.S. Court of Appeals for the Federal Circuit and the Supreme Court.

John has served as President of the Government Intellectual Property Law Association and has chaired the Interagency Working Group on Alternate Dispute Resolution and Intellectual Property.

Telephone: (202) 586-2939

E-mail Address: [john.t.lucas@hq.doe.gov](mailto:john.t.lucas@hq.doe.gov)

**TIMOTHY G. LYNCH**

Deputy General Counsel for Litigation & Enforcement

Timothy G. Lynch is the Deputy General Counsel for Litigation and Enforcement. Mr. Lynch has an extensive background in complex civil and criminal litigation and has investigated, litigated, and successfully tried numerous cases in federal and state courts.

Before joining the Department, Mr. Lynch was Assistant Chief Litigation Counsel at the U.S. Securities and Exchange Commission, where he litigated nationwide securities fraud enforcement actions. Before joining the SEC, Mr. Lynch served for seven years as an Assistant United States Attorney in the U.S. Attorney's Office for the District of Columbia, where he was a senior prosecutor in the Fraud and Public Corruption Section.

Mr. Lynch began his legal career as a law clerk to the Honorable Cornelia G. Kennedy of the U.S. Court of Appeals for the Sixth Circuit and thereafter joined the Washington, D.C., law firm of Shea & Gardner.

Mr. Lynch is an adjunct professor at Georgetown University Law Center, where he teaches evidence, and the University of Virginia Law School, where he teaches white collar crime.

Mr. Lynch received his law degree from Georgetown, where he was Editor-in-Chief of the Georgetown Law Journal. He received his undergraduate degree from the University of Rochester.



## J. TRIPLETT MACKINTOSH

### Partner – Denver and Washington, D.C. Offices

Export Controls/Trade Sanctions  
Government Investigations and  
White Collar Defense  
Corporate Compliance

(303) 295-8186 – Denver

(202) 654-6930 – Washington, D.C.

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



### Overview

With an international reputation as an effective advocate in export controls, trade sanctions, anti-corruption, related compliance, and white collar defense, Mr. Mackintosh defends domestic and foreign corporations, directors, and other personnel facing investigation under U.S. export controls and other trade sanctions, as well as federal laws affecting securities, environmental controls, health care, money laundering, and Customs. These trade sanctions laws include the Arms Export Control Act, the Foreign Corrupt Practices Act, and the International Emergency Economic Powers Act, as well as their implementing regulations.

Mr. Mackintosh has led defense efforts and multi-jurisdictional criminal investigations in the United States, Europe, Asia, and Latin America. He is the principal architect of the HHCMS compliance training system, an innovative corporate defense tool for compliance training.

Since 1993, he has taught courses on white-collar criminal defense, federal regulation of international business, and corporate compliance at the Sturm College of Law, University of Denver. He also publishes and regularly speaks on these subjects.

### Experience

#### Representative Matters

- Managed multiple licensing and enforcement matters involving U.S. security contractors and others in Afghanistan and Iraq, with regard to U.S. export controls and the Foreign Corrupt Practices Act
- Served as lead counsel in multiple settlements with the U.S. State Department, Directorate of Defense Trade Controls, with respect to allegations of violations of the Arms Export Control Act
- Defended parties in multiple federal Grand Jury investigations involving the Arms Export Control Act, the Foreign Corrupt Practices Act, the Travel Act, and the International Emergency Economic Powers Act
- In one calendar year, represented parties in over twenty-five voluntary and directed disclosures and other investigations before the Departments of State, Commerce and Treasury
- Represented a major defense service contractor operating in Afghanistan and Iraq with respect to complex regulatory and compliance matters affecting ITAR, EAR, OFAC and other controls

- Represented a publicly traded, multi-national engineering and construction service firm with respect to multiple compliance issues, including OFAC (Iranian sanctions), ITAR and EAR requirements and related training
- With respect to nuclear weapons-related technology, represented a publicly traded, multi-national service firm with respect to the export of ITAR controlled data and services related to weapons testing facilities
- Represented a publicly traded, multi-national pharmaceutical company in federal criminal and administrative proceedings concerning the illegal export of missile fuel components controlled by the ITAR
- Counseled a Fortune 50, publicly traded company with respect to complex environmental compliance management issues
- Counseled a CEO of a Fortune 500 company with respect to a criminal securities investigation
- Represented a high-ranking executive of an Enron subsidiary with regard to federal prosecution of alleged insider trading and other crimes
- Represented a U.S. company with respect to an investigation and disclosure of the unlicensed export of a super computer to the People's Republic of China
- Represented a privately held German company with respect to alleged criminal violations of the Arms Export Control Act involving exports of missile technology components
- Represented a U.S. company alleged to have criminally violated the Arms Export Control Act through the sale of jet fighter parts to an Iranian company
- Represented a U.S. person alleged to have criminally violated the International Emergency Economic Powers Act by trading high-technology items with the Chinese Academy of Launch Technologies
- Represented a non-U.S. national whose testimony was sought by a special Congressional committee and federal Grand Jury investigating ballistic missile technology exports to China
- Represented multiple defendants in a federal criminal prosecution alleging violations of export control laws with respect to the export of computers to Syria

- Represented several universities with regard to defense and compliance regarding federal Grand Jury and other investigations of compliance with U.S. trade sanctions, the Foreign Corrupt Practices Act, immigration laws, and compliance with anti-money laundering laws
- Represented multi-national corporations with respect to Foreign Corrupt Practices Act and anti-boycott compliance and related defense matters
- Counseled multi-national corporations in developing compliance programs in various areas of federal regulatory law, including trade sanctions and corruption

### **Honors and Awards**

- Recognized as a leader in his field by *Chambers USA*, 2011
- Received AV Preeminent rating (5 out of 5) by Martindale-Hubbell
- Selected for inclusion in *Colorado Super Lawyers* in 2009 and 2010 for white collar defense
- Recognized for his white collar defense work in the September/October 2010 Corporate Counsel edition of *Super Lawyers*
- Was a 2010 recipient of the ACLU-Colorado's Carle Whitehead Award

### **Memberships and Affiliations**

- Member, Board of Directors, Wisconsin Project on Nuclear Arms Control
- Vice-Chair, Export Controls and Economic Sanctions Committee, American Bar Association Section of international Law
- Member, District of Columbia Bar Association
- Member, Colorado Bar Association
- Admitted to the U.S. District Courts for the District of Columbia and Colorado, U.S. Court of Appeals for the District of Columbia Circuit, and U.S. Court of Appeals for the Federal Circuit.
- Adjunct Professor, Sturm College of Law, University of Denver
- Board of Advisors, Global Business Program, Daniels College of Business, International Business Administration Program, University of Denver

- Board of Directors, Ved Nanda Center for International Law, Sturm College of Law, University of Denver

## Publications

- “Understanding Deemed Exports,” with Lizbeth C. Rodriguez, *Boulder County Bar Newsletter*, September 2008. “Defense of Investigations and Prosecutions under U.S. Export Control Laws,” *White Collar Law Defense Strategies*, Aspatore Books, 2007.
- “U.S. Sentencing Guidelines and Export Control Laws: How to Equate a Credit Card Transaction with a Violation of National Security Controls or Selling 400 Grams of Heroin,” with Danielle R. Voorhees, 5 *Public Law, Policy and Ethics Journal* 1, Cardozo, 2006.
- “Conflict in Confidentiality: How E.U. Laws Leave In-House Counsel Outside the Privilege” 38 *The International Lawyer* 1 (Spring 2004)
- “Federal Anti-terrorism Laws And Law Firm Clients”, 33 *The Colorado Lawyer* 10 (October 2004), p. 117, with Lizbeth Rodriguez and Stephen Masciocchi.
- U.S. Export Controls and Compliance*  
Chapter 19 of *Transnational Business Transactions* (V. Nanda and R. Lake, eds. 1997 (Clark Boardman Callaghan)), with Michael P. Roch.
- “Compliance Programs and the New Export Regulations: Regulatory Lamaz” 16 *Preventive L. Reporter* 35 (1997).
- “A Guide for Export Compliance in a Dynamic Regulatory Environment” 14 *Preventive L. Reporter* 9 (1995).
- “If You Think Saddam Hussein is the Only One You Know Who Has Trouble with US Export Controls, Read This:” 13 *Preventive L. Reporter* 31 (1994).
- “Legal Representation in the International Securities Market: Representing a Party or Witness in an SEC or SRO Proceeding” 14 *Del. J. Corp. L.* 893 (1989), with Ralph C. Ferrara.
- “Proposed Amendments to the U.S. Foreign Corrupt Practices Act Rev.” *Int’l Bus. L.* 175 (1988), with John P. Sweeney.
- “Grey Market Imports: Burgeoning Crisis or Emerging Policy” 11 *N.C.J. Int’l L. & Comm. Reg.* 293 (1987).

## **Speaking Engagements**

- London, U.K., C5 ITAR Boot Camp, "The Fundamentals of ITAR Compliance in Practice: Key Concepts and Requirements under the International Traffic in Arms Regulations," 2011.
- Washington, D.C., IPOA Legal Conference on the Foreign Corrupt Practices Act, "When Things Go Wrong: How to Handle a Potential FCPA Violation," 2010.
- Munich, Germany, C5, ITAR Compliance in Europe, "The Fundamentals of ITAR Compliance: The International Traffic in Arms Regulation Demystified," 2010.
- London, U.K., IPOA Conference for Defense and Reconstruction Contractors, "US Export Controls and Operations in Afghanistan and Iraq," 2010.
- Washington, D.C., ITAR – Conference on Export Controls for Defense Service Providers, "What To Do When Things Go Wrong," 2009.
- Washington, D.C., ITAR – Conference on Export Controls for Defense Service Providers, "Recent Enforcement Lessons from the Stability Operations Industry," 2009.
- Munich, Germany, C5, "The Fundamentals of ITAR Compliance: The International Traffic in Arms Regulation Demystified," 2009.
- Buenos Aires, Argentina, Rocky Mountain Mineral Law Foundation, "Post 9/11 Regulation of International Transfers of Money and Its Application to Natural Resources Projects," 2009.
- Salt Lake City, Utah, "Administrative and Criminal Enforcement Update" for the International Trade in Arms Regulations seminar, 2008.
- Boulder, Colorado, University of Colorado, "U.S. State Department Export Compliance Hot Topics – Changes and Trends," 2008.
- Las Vegas, Nevada, Federal Regulatory Seminar, 2008.
- Boulder, Colorado, World Trade Center, "Export Compliance Obligations and Risk Mitigation," 2008.
- Munich, Germany, "ITAR Regulatory Framework and Extraterritorial Application in Europe," 2008.
- Munich, Germany, "Managing and Responding to Government Visits, Inquiries and Audits," 2008.

Stuttgart, Germany, "U.S. Export Controls and E.U. Company Compliance," 2007.

Boulder, Colorado, World Trade Center Outsourcing Conference, "U.S. Export Control Laws," 2007.

Denver, Colorado, Sturm College of Law, University of Denver, "White Collar Defense in an Age of Globalization," 2007.

Surrey, England, University of Surrey, "Extraterritorial Application of U.S. Law and Export Controls," 2006.

Deer Valley, Utah, T2M Directors & Officers Training Retreat, contributor to several white collar/business crimes panels, 2006.

Paris, France, International Chamber of Commerce, "Extraterritorial Application of U.S. Law and Export Controls," 2006.

Hanoi, Vietnam, Vietnamese-American Chamber of Commerce, "Guantanamo and US Law: A Case Study of Fundamental Legal Error," 2006.

### **Education**

Georgetown University Law Center (J.D. 1986)  
*American Criminal Law Review*

Graduate School of International Studies, University of Denver (M.A. 1983)

Regis University (B.A. 1978)  
*magna cum laude*

### **Languages**

French

## PRACTICES:

- Government Contracts
  - Bid Protests
  - Health Care - Government Contracts
  - GC IP Rights and Technical Data
  - Pharmaceutical Compliance
  - Claims and Terminations
  - Commercial Products & Services
  - Cost Accounting
  - Life Sciences and Public Health Preparedness Federal Contracting
  - State and Local Government Contracts
  - Suspension and Debarment
- Compliance and Investigations
- Litigation
  - Fraud and Criminal Investigations Litigation

## INDUSTRIES:

- Aerospace and Defense
- Construction & Engineering
- Life Sciences and Biotechnology

## PROFESSIONAL ACTIVITIES:

- American Bar Association
- Colorado Bar Association
- Institute of Management Accountants (IMA)
- National Contract Management Association (NCMA)
- State Bar of California



## Steven M. Masiello

Partner - Denver  
smasiello@mckennalong.com

1400 Wewatta Street  
Suite 700  
Denver, CO 80202

TEL: 303.634.4355  
FAX: 303.634.4400

## Experience

Steven M. Masiello's practice focuses on client counseling and litigation concerning federal, state and commercial contracts, technology agreements and related regulatory matters. He represents both large and small companies across diverse industries including aerospace and defense, construction and engineering services, information technology, health care, biotechnology, pharmaceuticals and renewable energy.

Mr. Masiello possesses substantial experience assisting clients with government contract cost accounting, cost allowability and contract estimating and pricing matters. Specifically, he advises clients on resolving audit findings and disputes arising out of the Cost Accounting Standards (CAS), Cost Principles in the Federal Acquisition Regulation (FAR) and OMB Circulars and the Truth in Negotiations Act (TINA). Additionally, he handles client bid protest concerns, equitable adjustment or breach of contract claims, reverse-Freedom of Information Act (FOIA) cases, intellectual property (patents, software and data rights) matters and other contract and regulatory disputes.

Mr. Masiello resolves client disputes in the state and federal courts, the Boards of Contract Appeals and through Alternative Dispute Resolution (ADR) procedures. He pursues client bid protests with state and federal agencies, the Government Accountability Office and the courts.

Mr. Masiello aids clients with the implementation of government contract compliance policies and procedures, including assistance with Department of Defense ("DoD") Business Systems development, internal assessment and with the defense against adequacy challenges to such client systems. He further conducts internal investigations and resolves allegations of contractor fraud under the False Claims Act (FCA), violation of law or regulation, overpayment or other alleged contractor wrongdoing.

Mr. Masiello is a Certified Management Accountant (CMA) designated by the Institute of Management Accountants (IMA). Prior to joining the firm, he served on active duty as an officer in the United States Air Force. He was first assigned to Space and Missile Systems Center (SMC) where he was responsible for contractual matters related to the engineering support provided to the Air Force by its Federally-Funded Research and Development Center (FFRDC), The Aerospace Corporation. While at SMC, he also worked closely with government and industry professionals to provide contractual support for the Titan IV Launch System program. He was then assigned to the Defense Contract Management Agency (DCMA) where he served in the contract administration offices responsible for the administration of all DoD contracts with Boeing North American, Inc.

## McKenna Long & Aldridge LLP

## Publications:

- "The MLA Government Contractor Business Systems Compliance Guide," co-authored by Thomas Lemmer, James Gallagher, Kevin Slattum and Steven Masiello (January 2012).
- "Feature Comment: DOD Proposes New Rules For Commercial Software And Technical Data Acquisitions," co-authors Tyson Bareis and William Anderson, *The Government Contractor*, Vol. 52 Number 43 (November 17, 2010)
- "BearingPoint Decision Confirms No Exclusive Means Exist for Supporting Incurred Costs," co-authors Arash Heidarian and Taylor Menlove, *Westlaw Journal - Government Contract* (Vol. 23, Issue 21, February 22, 2010)
- "Feature Comment: CDA Statute of Limitations Applied to Bar the Government's Claim in *American Ordnance v. U.S.*," co-author Timothy R. Odil, *The Government Contractor*, Vol. 51, Number 8 (February 25, 2009)
- "ATK Thiokol Decision Creates a Rational Standard For Classifying Costs of R&D and Tangible Capital Assets," co-authors Michael L. Bell and Thomas A. Lemmer, *Federal Contracts Report*, Vol. 85, Number 3 (January 2006)
- "Protecting Confidential Information Submitted In Procurements To Colorado State Agencies," co-author Jennette C. Roberts, 34 *The Colorado Lawyer* 67 (Jan. 2005)
- "Managing Subcontract Defective Pricing Liability," co-author Phillip R. Seckman, *Briefing Papers* No. 04-10 (Sept. 2004)
- "Commercial Contract Liability," co-authors Michael D. Schag and Sandra B. Wick, *Contract Management*, Vol. 42, Issue 9 (Sept. 2002)
- "Electronic Commerce Gains a Legal Foothold," *Contract Management*, Vol. 40, Issue 11 (Nov. 2000)
- "Penalties For Unallowable Costs," co-author Thomas A. Lemmer, *Briefing Papers* No. 99-6 (May 1999)

### Notable Engagements

*American Ordnance LLC v. United States*, 83 Fed. Cl. 559 (2008) (judgment overturning government claim of ownership in contractor munitions production equipment).

*ATK Launch Systems, Inc.*, ASBCA No. 55395, 09-1 B.C.A. ¶ 34118 (finding entitlement to breach of contract damages for government's failure to pay allowable indirect costs incurred for executive compensation).

*Southwest Multi-Craft Health & Welfare Trust Fund v. IAP World Services Corp.*, No. 1:07-cv-0337 MCA/ACT, 2008 WL 5573072 (D.N.M. August 28, 2008) (judgment dismissing plaintiffs' ERISA claims against government contractor employer for additional fringe benefits costs).

*Matter of Shaw-Parsons Infrastructure Recovery Consultants, LLC (B-401679.4 et al.)*, 2010 CPD ¶ 77. (March 20, 2010) (protest sustained concerning government failure to consider relevant past performance information in federal procurement).

### Representative Matters

- Represents clients on various procurement protest matters, including successful defense of a \$1+ billion contract award for overseas defense base operations.
- Leads client internal investigations, including large-scale, enterprise-wide investigation and successful resolution of Procurement Integrity Act and Organizational Conflict of Interest issues, and complex cost accounting and overpayment civil False Claims Act allegations arising out of \$1+ billion weapon system contract.
- Develops, pursues and resolves client equitable adjustments and contract breach claims, including a \$15 million claim against subcontractor for failed launch facility construction and a \$50 million breach of contract claim under fixed-price overseas services contracts.
- Resolves client disputes through ADR, including successful mediation of a \$8 million defective pricing and CAS 401 noncompliance dispute, a \$7 million government defective pricing claim, and a \$6.5 million cost reasonableness challenge.
- Represents clients in multi-party, complex civil litigation, including successful defense of \$30 million employee claims under the Defense Base Act and state and federal law for injuries sustained in performance of federal contract overseas.

### Education

- J.D., Loyola Law School
- B.S., United States Air Force Academy

### Admitted

- Colorado
- California
- U.S. District Court for the Central District of California
- U.S. District Court for the District of Colorado

### Seminars And Presentations:

- Mr. Masiello is a frequent presenter on government and commercial contract issues. A representative listing of his recent presentations, includes:
- *Managing Business System Audits, Disapprovals and Withholds*, Public Contracting Institute, February 14, 2012
- *Corporate Compliance Liability Avoidance and Mitigation*, Association of Corporate Counsel - Colorado, September 21, 2011
- *Effective Procurement and Negotiation of Intellectual Property Rights and Software Licenses*, NCMA World Congress, July 11, 2011



- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the District of Columbia
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Federal Claims

## PRACTICES:

- Compliance and Investigations
- Government Contracts
  - Claims and Terminations
  - Cost Accounting
  - GC Compliance and Investigations
  - International Government Contracting
  - Procurement Fraud
- International
  - Export Controls
  - FCPA Compliance
  - International Trade
- Litigation
  - Fraud and Criminal Investigations
  - Litigation

## INDUSTRIES:

- Aerospace and Defense
- Construction & Engineering
- Energy

## PROFESSIONAL ACTIVITIES:

- MLA Foundation Board of Directors
- American Bar Association (Public Contracts, Litigation and Criminal Justice Sections)
- National Contract Management Association
- National Defense Industrial Association
- Department of Energy Contractor Attorneys Association



## Mark J. Meagher

Partner - Denver  
mmeagher@mckennalong.com

1400 Wewatta Street  
Suite 700  
Denver, CO 80202

TEL: 303.634.4322  
FAX: 303.634.4400

## Experience

Mark J. Meagher is the managing partner for the Firm's Denver office, where he represents clients in a broad array of government contracts counseling and litigation matters. Mr. Meagher has substantial experience in counseling contractors on cost allowability, allocability, and recovery questions arising under the Federal Acquisition Regulation and Cost Accounting Standards. He frequently assists clients in developing responses to audit findings issued by the Defense Contract Audit Agency and other government audit organizations, such as the inspectors general. Mr. Meagher's practice includes the representation of Department of Energy (DOE) contractors in all aspects of their operations at DOE sites around the country. In addition, he regularly works with construction and infrastructure contractors on contract and cost recovery claims and counseling.

Mr. Meagher has litigated many cases at the Boards of Contract Appeals and the United States Court of Federal Claims involving the full range of government contract issues, including many performance-related claims. He has also successfully defended numerous government contractors against civil fraud allegations, including many cases brought under the qui tam provisions of the civil False Claims Act. In addition, he regularly conducts internal investigations of alleged wrongdoing by company employees or subcontractors, both before allegations have become public and in the context of responding to government investigators or prosecutors.

Mr. Meagher is a graduate of Yale University and a *cum laude* graduate of Albany Law School, where he was Editor-in-Chief of the *Albany Law Review*.

## Education

- J.D., Albany Law School, *cum laude*, 1988
- B.A., Yale University, 1982

## Admitted

- Colorado
- District of Columbia
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Federal Claims
- U.S. District Court for the District of Colorado

McKenna Long  
& Aldridge<sup>LLP</sup>

## Publications:

- "The Freedom of Information Act," co-author Tyson Bareis, *West Briefing Paper*, November 2010.

## Seminars And Presentations:

- Mark is a frequent lecturer around the country on government contract issues.

Linda Guinn Montgomery has more than 27 years of Department of Energy experience, both operational and legal. She began her career as a health physics technician at the Idaho Chemical Processing Plant at INEL, running the routine bioassay program. Later at INEL, she became an environmental attorney for EG&G in the early 1990s. In the intervening years, she worked at Rocky Flats Technology Site and supported work at the Hanford site, the Waste Isolation Pilot Plant, Yucca Mountain National Repository, Uranium Mill Tailings Remediation Actions, Weldon Spring Closure Project, Mound Closure Project, Oak Ridge National Lab, West Valley Project, Los Alamos National Lab, Sandia National Lab, DOE headquarters and the Nevada Test Site. Most recently, she was general counsel for Savannah River Nuclear Solutions. Before that, she served as assistant general counsel for Fluor Corporation in support of its Government Group. Ms. Montgomery earned both a bachelor's degree in biology/ecology and a juris doctorate degree from the University of Kansas. She also has a technical degree in radiation safety. She is a charter member of the DOE Contractor Attorneys Association.



**Linda Guinn Montgomery**  
**General Counsel**

## **BIO**

### **Cecil E. Morris, Jr.**

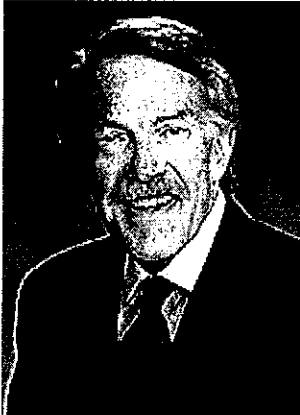
Cecil is a shareholder and director in the firm of Pendleton, Friedberg, Wilson & Hennessey, PC in Denver. Cecil graduated from the New York University School of Law, has been in practice for almost 30 years, and is a member of the California and Colorado bars. Cecil's practice emphasizes complex civil litigation and arbitration, mainly in the areas of securities, business, and commercial law.

Cecil also has expertise in legal ethics and attorney discipline defense. Among other things, Cecil has been a member of the Standing Committee on the Rules of Professional Conduct of the Colorado Supreme Court since it was established in 2003, and he has been an active member of the Ethics Committee of the Colorado Bar Association for more than 15 years and was Chair of the Committee in 2004-2005. In addition, Cecil served on the Conduct Committee of the United States District Court for the District of Colorado from 2005 until 2011 and was Chair of that Committee from 2010 until 2011. Cecil also writes and lectures frequently on issues of legal ethics.

# SHERMAN & HOWARD

## Theodore A. Olsen

Home > Attorneys > Theodore A. Olsen



633 Seventeenth Street  
Suite 3000  
Denver, CO 80202

Phone: 303.299.8212  
Fax: 303.298.0940  
[Email this attorney](#)

### Member

#### Areas of Emphasis

Labor and Employment  
Class Actions  
Workplace Violence  
Non-Competition and Trade Secrets  
Disability Access

#### Representative Matters

- *Atwell v. Gabow*, 248 F.R.D. 588 (D. Colo. 2008) (denial of certification of plaintiffs' proposed class of all non-white applicants and employees of defendant who experienced discrimination in hiring, discipline, transfer, training, non-promotion, discharge, harassment, etc.)
- *Mendelsohn v. Sprint/United Management Co.*, No. 05-3150 (10th Cir. 2006) (filed *amicus curiae* brief for Mountain States Employers Council, Inc., opposing decision on admissibility of "me too" evidence in discrimination cases)
- *Parra v. Bashas', Inc.*, 2006 U.S. Dist. LEXIS 16817 (D. Ariz. March 29, 2006) (class action, national origin discrimination case)
- *Richards v. CH2M HILL, Inc.*, 26 Cal. 4th 798, 29 P.3d 175 (2001) (appellate case under the California Fair Employment & Housing Act)
- *Torres v. AT&T Broadband, Inc.*, 158 F. Supp. 2d 1035 (N.D. Cal. 2001) (ADA, public accommodation case)
- *Richards v. CH2M HILL, Inc.*, 79 Cal. App. 4th 570, 94 Cal. Rptr. 2d 228 (2000) (appellate case under the California Fair Employment & Housing Act)
- *Zhuang v. J.D. Edwards & Co.*, 2001 U.S. App LEXIS 11276 (10th Cir. May 30, 2001) (national origin discrimination case)
- *Rogers v. CH2M HILL, Inc.*, 18 F. Supp. 2d 1328 (N.D. Ala. 1998) (ADA, disability employment discrimination case)
- *Ariza v. U S WEST Communications, Inc.*, 167 F.R.D. 131 (D. Colo. 1996) (Title VII sexual harassment cases)
- *McDonald v. Mobil Coal Producing*, 820 P.2d 986 (Wyo. 1991) (employee handbook wrongful discharge case)
- *Colo. Springs Fire Fighters Ass'n, Local 5 v. City of Colo. Springs*, 784 P.2d 766 (Colo. 1989) (class action by retirees challenging constitutionality of ordinances reducing city's payments on health insurance premiums)

#### Professional Activities

- Chair, Colorado Bar Association Labor Law Committee, 1986 - 1987
- Member, Planning Committee for the Multi-State Labor and Employment Law Seminar (presented annually) since 1988
- Adjunct Professor of employment discrimination law at the University of Colorado School of Law, 1989
- Faculty Member, Institute of Applied Management and Law

#### Education

- Juris Doctor, *Order of the Coif*, University of Colorado School of Law, 1978
  - Assistant Articles Editor, *University of Colorado Law Review*
- Bachelor of Science, *summa cum laude*, Boston University, 1975

#### Honors and Awards

- Fellow in The College of Labor and Employment Lawyers, inducted in 2006
- Listed in *Best Lawyers in America*, Employment Law - Management, for over 20 years
- Ranked in *Chambers USA - Labor & Employment Colorado*, 2007-2010
- Ranked 1st in Class, University of Colorado School of Law, 1978

## News and Events

3/1/2012: Postal Worker's Stated Threat to Kill Boss Not Conclusive as to Her Race, Sex and Retaliation Claims

3/1/2012: FMLA Protects from Retaliation and Interference an Employee Who, at Time of Request for Leave of Absence, Did Not Qualify for FMLA Leave

3/1/2012: California Court of Appeal Rejects "Statistical Sampling" Method of Proving Wage and Hour Violations

3/1/2012: First Court of Appeals to Face Question Rules that Employee of Private Contractor of Publicly-Traded Company is Not Protected by Section 806 of Sarbanes-Oxley Act

3/1/2012: Free Counsel Appointed to Plaintiffs Alleging Juror Retaliation

3/1/2012: Employer's Practice of Requiring Medical Reasons for Absence in Doctor's Statements Violates ADA

1/3/2012: Not Retaliatory to Fire a New Hire Because of Her Testimony in Discrimination Case at Her Previous Place of Employment, at the Insistence of the Accused

1/3/2012: OFCCP INVITES COMMENTS ON PROPOSED RULE SETTING:  
*Numerical affirmative action goal for federal contractors' employment of disabled persons*

1/3/2012: Minimum Wage in Colorado Increases

1/3/2012: Employer May Be Liable Under Federal Law for Posting Entries on Employee's Personal Facebook Page and Twitter Account - But What Exactly is Being Protected?

1/3/2012: Discharge of Church Preschool Director for Living With Boyfriend and Raising Child Out of Wedlock, is Lawful

1/3/2012: Employer's Discriminatory Actions and Statements Gave Employee Reasonable Belief His Application for Promotion was "Futile"; Lack of Application No Bar to Claim

1/3/2012: Employer's Historic Practice of Across-the-Board Pay Increases "If Feasible" or "If Sufficient Funds Existed" Was Not a Condition of Employment That Had to Be Continued for Union-Represented Employees

1/3/2012: NLRB Delays Employee Rights Notice-Posting Rule Again

12/30/2011: No "Regarded As" Disability Discrimination Liability Despite Numerous Inappropriate Workplace Comments

11/1/2011: Timing of Employee Discharge Supports FMLA Retaliation and Interference Claims

11/1/2011: No FMLA Cause of Action for Supervisor's Alleged Exacerbation of Employee's Health Condition

11/1/2011: Increase in Colorado Minimum Wage in the Works

11/1/2011: Idaho Court Extends Public Policy Protection to Constructive Discharges

11/1/2011: Employment Practices Liability Insurance – Buyer Beware!!!

11/1/2011: Employer's Mention of Employee's Pregnancy Complications in Termination-Related Papers Does Not Prove Pregnancy Bias

11/1/2011: Employer Did Not Fail to Make Reasonable Accommodation When it Denied a "Preferable" (But Not Required) Daytime Shift; Employee's Retirement was Responsible for Breakdown of Interactive Process

11/1/2011: Employee Who Was Harassed for Taking FMLA Leaves During "Blackout Period" Stated FMLA Interference Claim, But No Individual Liability Against Public Employer

11/1/2011: EEOC Subpoena for Fitness Test Information Not Enforced

*Florence J. Phillips* serves as General Counsel for the Idaho Treatment Group, LLC, which operates the Advanced Mixed Waste Treatment Project for the U. S. Department of Energy. Flo has worked for Babcock & Wilcox, or one of its affiliated companies, for almost 12 years. Prior to joining B&W, she worked for Kaiser-Hill Company, LLC at Rocky Flats. Flo first became involved with nuclear waste issues when she worked for Colorado's former Governor Richard Lamm.

Flo earned her law degree from the University of Colorado and her undergraduate degree from Colorado Women's College.

Nicole Porter  
General Counsel and Secretary, UT-Battelle

Nicole is the lead attorney and manages the Office of General Counsel at the Oak Ridge National Laboratory. As Secretary to the Board of Governors, she is one of the six officers of UT-Battelle, LLC. The primary areas of legal expertise and practice of the Office are intellectual property, environment, safety and health, employment and benefits, security, including cyber security, government contracting and procurement, appropriations, nuclear safeguards and security, sponsored research, third party agreements, ethics, export control, litigation and workers' compensation.

Nicole came to ORNL from the Department of Energy's Oak Ridge Operations Office in 1999 and became General Counsel in February 2006. While at DOE, she was a member of the Office of Chief Counsel, General Law Group which provided legal support for government contracting activities, isotope production and distribution, Contract Disputes Act proceedings, protests, real estate, sponsored research, and cost allowability and appropriations.

Previously, Nicole worked for the U.S. Small Business Administration and the Social Security Administration. She was the first Special Assistant U.S. Attorney permanently appointed in Maryland and successfully argued before the U.S. Fourth Circuit Court of Appeals. Prior to joining the Federal Government, Nicole practiced law with Weinberg and Green in Baltimore, Maryland in its Commercial Transactions Practice Group.

Nicole holds a bachelor's degree from the University of Maryland and graduated cum laude from the University of Baltimore School of Law, where she was a member of the Law Review.

Nicole has played key roles in ORNL's supercomputer acquisitions and in the financing, construction, and leasing of its alternatively financed facilities. In addition to her duties for ORNL, she serves as General Counsel and Secretary for the UT-Battelle Development Corporation. Nicole also is a member of the board of the Boys and Girls Club of Oak Ridge and a past board member of the East Tennessee Economic Council, and the Oak Ridge Playhouse.





**B. MICHAEL SCHESTOPOL**

Main Phone: 206.623.3427  
 Fax: 206.682.6234  
 Email: schestopol@oles.com  
 Location: Seattle

**PRACTICE EMPHASIS AND EXPERIENCE**

Construction  
 Government Contracts  
 Commercial Litigation

Mr. Schestopol's practice focuses on construction disputes, public procurement and related matters, such as bid protests and terminations. He has lectured extensively to both national and international forums on prosecuting and defending bid protests and construction claims, as well as compliance with government-mandated socioeconomic programs (affirmative action and Equal Employment Opportunity requirements, SBA and HUBZone contracting, and Minority and Women's Business set asides).

**PRESENTATIONS**

- "Trying the Complex Termination Case; Lessons from Pit 9," Department of Energy Contracting Attorneys Association (2007)
- "Federal Preferences – 8(a), SBA, HUBZones," OMRB Construction and Public Contract Law Seminar (2005)
- "Keeping the FBI Away From Your Door," OMRB Construction and Public Contract Law Seminar (2005)
- "False Statements and False Claims," The Seminar Group (2001)
- Instructor: "Public Contracting in Washington State," ESI, Inc. (2000, 2001, 2002)
- Instructor: "Minority and Women Set Asides and Preference Programs," Washington State Attorney General (CLE, 1997)
- Instructor: "Preference Programs After Adarand and Croson, The Predicate Study," Washington State Bar Association

**PUBLICATIONS**

- "The 'Commercially Useful Function' Concept in Set Aside Programs," American Bar Association (1986)
- "Bid Protests Under State Law," Federal Publications, Inc. (1985)
- "Construction Joint Ventures," King County Bar Association (1979)

**PROFESSIONAL AND CIVIC INVOLVEMENT**

American Bar Association: Past Co-Chair of the Diversity Subcommittee, Trial Evidence Committee, Litigation Section;  
 Public Contract Law and Litigation Sections, Forum on the Construction Industry  
 Washington State Bar Association, Construction Law and Litigation Sections  
 King County Bar Association  
 Arbitrator, King County Superior Court Mandatory Arbitration Program  
 Washington State University President's Club, Construction Specifications Institute  
 Department of Energy Contractor Attorneys Association

**COURTS**

Washington State Courts  
 U.S. District Court, Eastern and Western District, Washington  
 U.S. District Court, Eastern/Western District, Arkansas  
 U.S. Court of Appeals, Ninth Circuit  
 U.S. Court of Federal Claims  
 U.S. Tax Court

**EDUCATION**

J.D., University of Washington, 1973

**SEATTLE OFFICE**

601 3rd Avenue  
 Suite 1300  
 Seattle, WA 98101  
 T: 206.452.3427  
 Fax: 206.452.6234

**ANCHORAGE OFFICE**

740 West Fourth Avenue  
 Suite 902  
 Anchorage, AK 99501  
 Tel: 907.258.0100  
 Fax: 907.258.5519

**OLES MORRISON**

OLDS  
MORRISON  
RUBIN  
FALKENBERG

B.A., Washington State University, 1967

**NOTABLE**

United States Army, 1968-1970

**SEATTLE OFFICE**

751 Pine Street  
Suite 1200  
Seattle, WA 98101  
T: (206) 427-3122  
F: (206) 427-5214

**ANCHORAGE OFFICE**

2445 North Aurora Avenue  
Suite 100  
Anchorage, AK 99501  
Tel: (907) 243-0116  
Fax: (907) 256-5519

[www.oles.com](http://www.oles.com)

# SHERMAN & HOWARD

Patrick R. Scully

Home > Attorneys > Patrick R. Scully



## Member

### Areas of Emphasis

Labor and Employment

### Representative Matters

- Obtained orders from federal district courts vacating arbitration awards issued under the Railway Labor Act and the Labor Management Relations Act. In both cases, the arbitrator had exceeded his authority by altering the terms of the collective bargaining agreement.
- Secured dismissal of NLRB petitions filed in three separate areas of the U.S. involving coordinated union attempts to organize independent contractors.
- Successfully defended a class action brought by Communication Workers of America employees, against the company and the union, claiming they had been denied severance benefits. Showed that the company's severance practices did not violate the collective bargaining agreement - a required element in the plaintiff's claims. Plaintiffs, in response, dropped the entire case with prejudice.
- Obtained dismissal, for a large cable operator just prior to its sale, of several decertification petitions alleging that the cable operator had induced and/or improperly assisted employees seeking to decertify the union.
- Twice successfully defended accusations from the United Food and Commercial Workers union that the client refused to recognize a particular union representative - winning first before the NLRB over union accusations that the client's conduct was an unfair labor practice and winning the second time in federal court - where the Court was persuaded to deny the Union's Motion to Compel arbitration because the dispute was subject to the primary jurisdiction of the NLRB.

633 Seventeenth Street  
Suite 3000  
Denver, CO 80202

Phone: 303.299.8218  
Fax: 303.298.0940  
[Email this attorney](#)

### Professional Activities

- Chapter Editor, *The Developing Labor Law*
- Member of American Bar Association Committee on Development of the Law Under the National Labor Relations Act
- Management Representative to National Labor Relations Board Practice and Procedure Committee, Region 27
- Speaker, Colorado Hospital Association, 2007-2011

### Publications and Presentations

- Presenter, "Routine Remedy or Radical Departure--Is Backpay for Unlawful Immigrants Beyond the Scope of the Board's Remedial Processes?" 2012 Midwinter Meeting, ABA Committee on Development of the Law Under the National Labor Relations Act
- Co-author, Routine Remedy or Radical Departure--Is Backpay for Unlawful Immigrants Beyond the Scope of the Board's Remedial Processes? *Mezonos Moven Bakery*, 357 NLRB No. 47 (2011)
- Speaker, Midwinter Meeting of the American Bar Association's Committee on the Development of the Law under the National Labor Relations Act, 2007
- Speaker, Colorado Hospitality Association and the Colorado Hospital Association regarding union organizing developments in the State of Colorado, 2007
- Regular Speaker, Institute for Applied Management and Law

### Education

- Juris Doctor, St. John's University School of Law, 1996
- Bachelor of Arts, University of Florida, 1991

## News and Events

4/17/2012: Impending NLRB Rule Stayed By Federal Courts

2/27/2012: Patrick Scully to present at the American Bar Association Committee on the Development of the Law Under the National Labor Relations Act 2012 Midwinter Meeting in Key West, Florida

11/5/2008: Amendments 47, 49 Shot Down - as seen in the *Rocky Mountain News* with a quote from Sherman & Howard's Patrick Scully

## **Steven Silbergleid**

Steve Silbergleid's legal career began with the U.S. Department of Energy and its predecessor agencies, the Energy Research and Development Administration and the Atomic Energy Commission. As General Counsel of the National Renewable Energy Laboratory (NREL), he provides legal advice and counsel to the Lab's Director and executive management on the development and administration of policy, compliance with the Prime Contract, procurement and intellectual property issues, employment issues, and other legal and management concerns. He also serves as corporate Secretary and provides counsel to Alliance for Sustainable Energy, L.L.C. (Alliance) Managing and Operating (M&O) Contractor of NREL.

Prior to his position in Golden with Alliance and NREL, he served as Chief Counsel of the Chicago Field Office for ten years. In that position he served as chief legal advisor to the manager and staff and to six Office of Science site offices. His legal career includes over thirty-six years of federal service as an attorney and now includes almost five years of service as the General Counsel of a National Laboratory.

August 2007 – Present: General Counsel, National Renewable Energy Laboratory, Golden, CO

December 1996 – May 2007: Chief Counsel, Chicago Office (formerly Chicago Operations Office), Argonne, IL

August 1998 - October 1999: Acting Chief Operations Officer, Office of the Manager, Chicago Operations Office (COO), Argonne, IL

January 1996 - December 1996: Acting Chief Counsel, Chicago Operations Office, Argonne, IL

October 1993 - December 1996: Deputy Chief Counsel, Chicago Operations Office, Argonne, IL

January 1980 – September 1993: Assistant Chief Counsel/General Attorney, Chicago Operations Office, Argonne, IL

August 1971 – December 1979: Attorney Advisor, Chicago Operations Office, Argonne, IL

### **EDUCATION:**

J.D., St. John's University School of Law, 1970

B.A., History, Queens College, City University of New York, 1968

*Jean Seibert Stucky* is Assistant General Counsel for Labor and Pension Law. She is responsible for labor relations, labor standards, employment, and pensions and other benefit matters concerning the Department's contractor work force. Prior to DOE, she worked for the National Labor Relations Board. Jean was detailed to the White House to work with the Middle Class Task Force for the last quarter of CY 2010 and continues to work with the Task Force periodically on labor issues.

Jean graduated from Cornell Law School, and is a member of the bars of the District of Columbia and the U.S. Supreme Court. She holds the B.A. in Economics from Wellesley College and the M.A. in Economics from Trinity University in San Antonio, TX. Before coming to the Department, Jean completed the course work for an LL.M. in Environmental Law (with electives in labor and employment law) from George Washington University Law School.



Shelley P. Turner is a career member of the Senior Executive Service, serving as the National Nuclear Security Administration's (NNSA) Deputy General Counsel for Procurement, IP and Tech Transfer since September 2008. Ms. Turner provides legal advice and counsel to senior NNSA management regarding contracts, financial assistance agreements, and other business transactions. She serves as the principal legal advisor to the NNSA General Counsel with respect to all procurement related matters and manages a staff of attorneys performing legal work in this and other areas.

Ms. Turner comes to us from the Department of Defense (DoD), where she served with various DoD agencies for 20 years. While in law school, she served as an Army JAGC intern in Mannheim, Germany as a GS-7/8. After graduating from Seattle University Law School in 1988, she served as a United States Army JAGC officer stationed at Fort Lewis, Washington, and Fort Ord, (Monterey), California. She then began her civilian career with DoD, at the Defense Contract Management Command (DCMC) in San Francisco, California, as an Associate Counsel for acquisition, ethics, environmental, and personnel law in 1992. She then became the Chief Associate Counsel at DCMC-San Diego in 1997. While in San Diego, she served as an adjunct professor in the San Diego State University Master's program, teaching Federal Government Contract Law. In 2000, Ms. Turner became a full time professor at the Defense Acquisition University (DAU) in Port Hueneme, California, teaching Contract Law and Advanced Acquisitions Law. She also developed two Cost Accounting Standards courses for DAU. In 2005 she accepted a position as a procurement attorney for the Defense Contract Audit Agency (DCAA) at Fort Belvoir, Virginia. While there, she served as an adjunct professor at George Mason Law School, teaching Federal Government Contract Law to third year law school students. In 2007, Ms. Turner accepted a position with the Counterintelligence Field Activity (CIFA) as their procurement/ethics/fiscal law attorney. When CIFA was disbanded by Congress in the Spring of 2008, Ms. Turner was recruited by the Defense Advanced Research Projects Agency (DARPA), to serve as a procurement/ethics attorney, until she accepted this current position with NNSA in September, 2008.

Ms. Turner has authored a book titled [A Journey Through Environmental Remediation in a Contractor's Overhead](#), has revised the DAU Contract Law (CON 210) text book, and has authored two [Cost Accounting Standards](#) text books (CON 250 and 251).

Ms. Turner was born and raised in the San Francisco Bay Area, and currently resides in Burke, Virginia. She is the proud mother of a 22 year old son, Ira, currently attending University of Virginia in Charlottesville, Virginia.