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PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 1999-Present, Partner
(since 2002)

Trial Attorney, Honors Program, United States Department of Justice, Antitrust
Division, 1996-1999

GOVERNMENT EXPERIENCE

United States v. Microsoft

Member of the 4 person core team investigating Microsoft's Internet-related
conduct in 1996.

U.S. v. Microsoft (consent decree case) - October 1997

Consent Decree violation case against Microsoft alleging violations of the
1994 Consent Decree. Member of trial team (1997-1998).

U.S. v. Microsoft (monopolization case) - Filed May 1998

Represented the United States in the Microsoft antitrust trial in the District
Court for the District of Columbia. Member of trial team. One of primary
drafters of complaint and theory of the case; took key trial depositions;
responsible for economic experts and preparing them to testify for the United
States; one of primary drafters of proposed findings of fact and conclusions of
law, which were accepted by Judge Jackson and affirmed by the D.C. Circuit.

Merger, civil and criminal investigations

Extensive work on civil merger, civil, and criminal investigations (including
grand jury)

EDUCATION & HONORS

Stanford Law School, 1996,
J.D., *magna cum laude*

Order of the Coif

Notes Editor, *Stanford
Law Review*

Moot Court

Vice President, Kirkwood
Moot Court Board

Co-Chair, Women of
Stanford Law

Santa Clara University,
1993, B.S., Political
Science
and Spanish, *magna cum laude*

Phi Beta Kappa

Pi Sigma Alpha, National
Political Science Honor
Society

Phi Sigma Iota,
International Foreign
Language Honor Society

Outstanding Woman
Leader Award

AWARDS & RECOGNITION

Special Achievement
Award for contributions to
the Microsoft case

www.bartlit-beck.com

Recognized as one of Colorado's "Rising Stars", *Colorado Super Lawyers*, 2010 and 2011

Recognized as one of the "Top Women Lawyers of 2010", *Law Week Colorado*

BAR ADMISSIONS

Colorado
California

REPRESENTATIVE PRIVATE PRACTICE LITIGATION

In re Flat Panel Antitrust Litig.

Lead counsel for Hewlett-Packard in antitrust MDL regarding a price fixing conspiracy engaged in by Hewlett-Packard's suppliers of TFT LCD products.

United States of America ex rel. Oberg v. Nelnet et al.

Represented Nelnet in *qui tam* action under Federal False Claims Act. Relator alleged that Nelnet submitted false claims for hundreds of millions of dollars in student loan subsidies. Case settled immediately before jury selection.

RealNetworks, Inc. v. DVD CCA, et al.

Represent RealNetworks in preliminary injunction proceedings in U.S. District Court, Northern District of California in which movie studios claim that RealNetworks "RealDVD" product violates the Digital Millennium Copyright Act, and seek to enjoin its distribution. Case involves antitrust claims against the major movie studios based on their collective agreement to prohibit the individual authorization to copy studio content on DVDs.

In re Tyco Securities Litigation

Represented Tyco in multiple class action securities claims.

In re TyCom Ltd. Securities Litigation

Represented Tyco International in class action suit in which plaintiffs sought over \$1 billion in damages for alleged securities fraud. Plaintiffs alleged that Tyco violated Section 10(b) of the Securities Exchange Act and Section 11 of the Securities Act in connection with the July 2000 TyCom IPO. The case settled favorably before trial.

Overby v. Tyco International Ltd. (ERISA Litigation)

Represented Tyco International in class action suit brought under ERISA on behalf of participants in Tyco's retirement plans. Plaintiffs sought over \$1 billion in damages, case settled favorably for Tyco.

Brazen v. Tyco International

Represented Tyco in class action securities law claim relating to registration statement issued by Tyco in connection with a merger with Mallinckrodt. Case settled.

Super Helechos, et al. v. DuPont (Florida)

Represented DuPont in 10-week Miami jury trial of product liability claims involving Benlate fungicide. Plaintiffs, 27 Costa Rican farms, claimed \$396 million damages.

Trial court entered directed verdicts for DuPont on all claims of the largest plaintiffs (constituting 60% of plaintiffs' total claimed damages). Jury awarded other plaintiffs a small fraction of amounts sought.

Florida court of appeals (1) affirmed directed verdicts for DuPont on claims of the largest plaintiffs, and (2) reversed all jury verdicts for other plaintiffs due to numerous trial court errors.

TicoFrut, S.A. v. E.I. DuPont de Nemours & Co., Inc. (Florida)

Represented DuPont in Miami state court jury trial of product liability claims involving the fungicide Benlate®. TicoFrut, the main citrus grower and processor in Costa Rica, sued DuPont claiming that Benlate® hurt the production of orange trees in Costa Rica. TicoFrut sought \$172 million compensatory damages and an undisclosed amount of punitive damages. Trial lasted six weeks in Miami-Dade County Court. The jury deliberated for five hours before returning a verdict for DuPont, finding no liability.

Confidential Pharmaceutical Mediation

Represented pharmaceutical company in connection with pre-litigation mediation. Opposing party claimed substantial damages stemming from alleged antitrust violations, breach of contract, tortious interference, and fraud involving the alleged monopolization of the active ingredient used to manufacture client's medicine. Case settled on favorable terms involving a supply agreement providing present and future payments to our client of at least \$30 million.

LSI Logic Corp. v. Broadcom Corp. et al. (Colo. D. Ct. 2005)

Represented defendant Broadcom Corporation and seven of its employees in suit by LSI Logic alleging trade secret misappropriation, improper solicitation, breach of contract, and tortious interference. The alleged trade secrets concerned analog and mixed signal processing technology and chip design. Case resolved for \$0.

WestRM-West Risk Markets, Ltd. vs. Lumbermens Mutual Casualty Company, et al. vs. AIMCO, et al.

Representing AIMCO in the U.S. District Court for the Southern District of NY in a case regarding liability under alleged premium finance agreements and bonds.

AIMCO v. Nat'l Union Fire Insurance of Pittsburgh, PA, et al.

Represented AIMCO in the U.S. District Court for the District of Colorado regarding an insurance coverage and breach of insurance contract dispute. Case settled.

AIMCO vs. Cananwill, Inc., and Combined Specialty Insurance Company f/k/a Virginia Surety Company, Inc.

Represented AIMCO in the U.S. District Court for the District of Colorado regarding the misappropriation by a premium finance and insurance company of return premiums. Case settled.

AIMCO vs. Lumbermens Mutual Casualty Company

Represented AIMCO in the U.S. District Court for the District of Colorado regarding breach of surety bond agreements. Case settled.

Lumbermens Mutual Casualty Company, et al. v. AIMCO, Ray Baldwin, and Swain and Baldwin Insurance

Represented AIMCO in the U.S. District Court for the Southern District of NY in a case regarding an alleged conspiracy in obtaining surety bond agreements. Case settled.

Cananwill, Inc. vs. AIMCO, Greenwich Insurance Company, et al.

Represented AIMCO in the Superior Court of New Jersey, Morris County Law Division, regarding alleged liability under alleged premium finance agreements. Case settled.

Micron Technology v. Rambus, Inc. (U.S. District Court, Delaware)

Represented Micron Technology in action seeking a declaratory judgment that Rambus patents relating to Dynamic Random Access Memory (“DRAM”) chips are invalid, unenforceable and not infringed. Case also involved antitrust and fraud claims relating to Rambus misconduct in connection with industry standard-setting activities.

Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc., et al.

Represented Canadian government in prosecution of civil RICO claim against R.J. Reynolds seeking more than \$1 billion in damages caused by tobacco companies’ scheme to smuggle tobacco into Canada and avoid Canadian taxes.

Aquilex Services, Inc. v. Frank Novak, Phil Hulsizer

Represented Aquilex in an arbitration regarding a dispute regarding a net worth purchase price adjustment.

Aquila Power Services Corporation v. Aquila, Inc.

Represented Aquila Power Services in the Southern District of Texas regarding a trademark and tradename dispute. Case settled.

ANTITRUST COUNSELING

Routinely provide confidential antitrust counseling for large corporations, including:

Represented pharmaceutical company in connection with allegations of anticompetitive conduct in the market for certain drugs, with claimed damages of \$1 billion. Case settled favorably for company, without payment of any claimed damages.

Confidential antitrust counseling to manufacturer of aircraft replacement parts regarding claims involving aftermarket and issues similar to those in *Eastman Kodak Co. v. Image Technical Services, Inc.*, 504 U.S. 451 (1992).

BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

Confidential antitrust counseling related to collective setting and tying of interchange fees to the acceptance of credit cards.

NEWS

Karma Giulianelli Named Top Lawyer

Bartlit Beck Prevails For DuPont In Benlate Case

Bartlit Beck Wins Jury Verdict for DuPont

BIG WINS

Bartlit Beck Prevails For DuPont In Benlate Case, *Super Helechos, et al. v. DuPont (2009)*

Bartlit Beck Defeats Product Liability Claim Where Plaintiff Sought \$172 Million Plus Punitive Damages, *TicoFrut v. DuPont (2005)*

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