



GLEN E. SUMMERS

PARTNER

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Glen Summers is an experienced first chair trial lawyer who has handled high-stakes matters across the nation, involving a wide variety of subject matter, with several big wins to his credit. During his tenure at Bartlit Beck, Glen has tried cases in the federal and state courts of California, Colorado, Delaware, Florida, Kansas, Missouri, and Texas, and has acted as lead counsel in a number of arbitrations and mediations.

In addition to his trial practice, Glen regularly handles significant appellate matters. He has argued appeals to the U.S. Courts of Appeals for the Federal Circuit, Fifth Circuit, Ninth Circuit, and Tenth Circuit, as well as the Colorado Supreme Court and the California Court of Appeal.

A significant portion of Glen's practice is devoted to technology and intellectual property litigation. He has handled significant patent litigation involving wireless communication, digital rights management, medical devices and semiconductors, and has acted as lead counsel in patent infringement trials in the Eastern District of Texas and Central District of California. He has also taken a leading role in significant antitrust and consumer litigation involving some of the country's biggest technology companies.

Glen is also one of the nation's foremost lawyers in the representation of plaintiffs in significant legal malpractice cases. To date, he has obtained approximately \$250 million in settlements for his legal malpractice clients. In one such matter, Glen represented Frank McCourt, the former owner of the Los Angeles Dodgers, in a highly publicized blockbuster legal malpractice case against Bingham McCutchen LLP arising out of Bingham's negligent preparation of Mr. McCourt's postnuptial agreement, which allowed his former wife to claim ownership of 50% of the Dodgers franchise. Glen also represented Charter Communications in its malpractice suit against Irell & Manella LLP arising out of the botched documentation of a \$3 billion cable system acquisition. Other legal malpractice cases Glen has handled have involved intellectual property, estate planning and transactional matters.

Glen has been with Bartlit Beck since 1997 and has been a partner since 1999. Before joining Bartlit Beck, Glen clerked for U.S. Supreme Court Justice Antonin Scalia and the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit. Glen was also previously an associate at Sullivan & Cromwell from 1995-1996.

Chambers USA has recognized Glen as a leading business litigator, describing him as a "phenomenal trial attorney." (2014 ed)

Glen is a member of the California and Colorado bars and has been admitted to practice in state and federal courts across the country, including the United States Supreme Court.

EDUCATION & HONORS

University of Pennsylvania Law School, 1994, J.D., *magna cum laude*

Order of the Coif

National Moot Court Team

Editor, *University of Pennsylvania Law Review*

Senior Editor, *Harvard Journal of Law and Public Policy*

P. Pemberton Morris Prize (highest grades in evidence, pleading & practice)

George Shechtman Prize (highest grade in contracts)

University of California at Berkeley, 1991, A.B., with Highest Honors

Phi Beta Kappa

Alpha Delta Phi Memorial Scholarship

President, Undergraduate Political Science Association

CLERKSHIPS

Honorable Antonin Scalia, Associate Justice, United States Supreme Court, 1996-1997

Honorable J. Clifford Wallace, Chief Judge, United States Court of Appeals for the Ninth Circuit, 1994-1995

AWARDS & RECOGNITION

Ranked by Chambers USA as a leading business litigator, 2011 to 2017

ADMISSIONS

Colorado

California

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

United States v. Fortenberry (U.S. District Court, Central District of California)

Served as co-lead trial counsel in the criminal trial of a sitting member of the United States Congress charged with making false statements to the FBI in connection with an investigation of illegal campaign contributions made to his campaign by foreign nationals in connection with the 2016 elections. Case was tried to verdict in

March 2022. Congressman Fortenberry was convicted on all counts but received no custodial sentence in view of the overwhelming evidence presented at trial of his exceptional character.

Grynberg v. Grynberg (Arapahoe County, Colorado)

Lead trial counsel for defendants in bench trial involving equitable claims for unjust enrichment and quantum meruit brought by the founder of a group of privately held oil and gas companies, including claims for compensation for services and assets previously provided to the companies. Plaintiff sought \$400 million in compensation at trial. Won a complete defense verdict, which the Colorado Court of Appeals affirmed in its entirety.

Yukos Capital S.A.R.L. v. Feldman (U.S. District Court, Southern District of New York)

Lead trial counsel for a trustee affiliated with charitable trusts formed to compensate stockholders of the former Yukos Oil Company (which was improperly nationalized by the Russian Federation) in a jury trial involving claims for breach of fiduciary duty against the former trustee. Secured a jury finding that the defendant breached his fiduciary duties. Case currently on appeal to the Second Circuit.

Gadeco, LLC v. Grynberg (Arapahoe County, Colorado)

Lead trial counsel for defendants in jury trial involving claims for breach of contract and breach of fiduciary duty brought by the founder of a group of privately held oil and gas companies against the shareholders and board members following his removal as President and Chairman. Plaintiff sought injunctive relief and \$800 million in damages at trial. Won a complete defense verdict, which the Colorado Court of Appeals affirmed in its entirety.

State Compensation Insurance Fund v. Khan et. al. (U.S. District Court, Central District of California)

Lead counsel for defendants in RICO action seeking over \$100 million in damages arising out of alleged medical billing fraud. Won summary judgment.

Angelotti Chiropractic, Inc., et. al. v. Baker (U.S. District Court, Central District of California)

Won state-wide preliminary injunction prohibiting the enforcement of new fees imposed by the State of California on providers of medical services to workers' compensation claimants. The injunction is estimated to have saved the providers several hundred million dollars.

Alexsam, Inc. v. IDT Corporation (U.S. District Court, Eastern District of Texas)

Lead trial counsel for IDT Corporation in two related patent infringement actions involving systems for activating pre-paid gift cards and phone cards. Won judgment as a matter of law on some claims in the district court and reversal of the jury's verdict of infringement on other claims on appeal to the U.S. Court of Appeals for the Federal Circuit. The second case settled favorably after a bench trial but prior to the court entering judgment.

In re Genetically Modified Rice Litigation (U.S. District Court, Eastern District of Missouri)

Member of national trial team for Bayer in multidistrict litigation relating to the unintended low level presence of genetically engineered rice in commercial rice shipments. Served as trial counsel in a series of bellwether trials in 2009 and 2010.

Applied Medical Resources Corp. v. United States Surgical Corp. ("Applied III") (U.S. District Court, Central District of California)

Trial counsel for United States Surgical Corporation, a subsidiary of Covidien, in patent infringement suit involving instruments for laparoscopic surgery. Applied Medical alleged that U.S. Surgical infringed a medical device patent and sought up to \$300 million in damages plus an injunction. Won non-infringement jury verdict after five-week trial. Prior to Bartlit Beck's representation, U.S. Surgical had twice previously been found to willfully infringe the same patent. The judgment was subsequently affirmed on appeal by the U.S. Court of Appeals for the Federal Circuit.

California Young Republicans, Inc. v. Rodriguez, et. al. (AAA Arbitration, Los Angeles, California)

Lead trial counsel in AAA arbitration to resolve disputed elections of officers and directors to one of the leading volunteer organizations affiliated with the California Republican Party. The arbitrator issued a reasoned decision in favor of our clients.

Edward Keely v. Janus Management Holdings Corp. (Denver, Colorado)

Lead trial counsel for former Janus portfolio manager in action for fraud, breach of employment contract, and related claims against mutual fund company. Won \$4.8 million jury verdict, which was later increased to over

\$7 million due to statutory enhancements, interest, and attorneys' fees. The jury found that Janus committed fraud, and that finding is believed to have precipitated the ouster of Janus's CEO.

Applied Medical Resources Corp. v. United States Surgical Corp. ("Applied II") (U.S. District Court, Central District of California)

Lead trial counsel for United States Surgical Corporation, a subsidiary of Covidien, in connection with a trial on damages and willfulness after patent infringement had already been established prior to Bartlit Beck's involvement.

C&W Fabricators, Inc. v. Meriwether Capital Corp. (AAA Arbitration, New York)

Lead trial counsel for buyers of company that manufactures intake and exhaust systems for gas turbine power plants in arbitration against the sellers for indemnification for warranty obligations. Case won after one-week arbitration.

Bush v. Gore (Circuit Court, Leon County, Florida)

Member of President George W. Bush's Florida election recount trial team. Represented President Bush in election contest filed by former Vice President Al Gore contesting the results of the 2000 Presidential election in Florida, and in separate case seeking recognition of disqualified overseas military ballots. Case won in the trial court and ultimately affirmed in the United States Supreme Court.

Nystrom v. Nieslanik (Garfield County, Colorado)

Lead trial counsel for defendant Carbondale Corporation in action by real estate developers seeking establishment of public right-of-way across client's ranch near Aspen, Colorado. Complete defense verdict won after seven-day bench trial.

Sosa v. Glikshtern (Superior Court, San Francisco, California)

Lead trial counsel for defendant in civil rights action alleging discrimination and other civil rights violations against Latinos. Complete defense verdict won after two-week jury trial.

William I. Koch v. Koch Industries, Inc. (U.S. District Court, Kansas)

Member of trial team that represented plaintiff William I. Koch in three-month jury trial involving billion-dollar securities fraud claim.

United Technologies Corp. v. Chromalloy Gas Turbine Corp. (U.S. District Court, Delaware)

Member of trial team that represented United Technologies Corp. (Pratt & Whitney Division) in three-week bench trial involving the interpretation of a licensing agreement relating to jet engine technology.

CASES ARGUED ON APPEAL

Gadeco, LLC v. Grynberg (Colorado Supreme Court)

Argued interlocutory appeal to the Colorado Supreme Court arising out of dispute over control of privately held oil & gas companies.

State Compensation Insurance Fund v. Khan (U.S. Court of Appeals for the Ninth Circuit)

Argued appeal arising out of RICO action seeking over \$100 million in damages for alleged medical billing fraud. Obtained affirmance of summary judgment victory in the district court.

Barri v. Workers Compensation Appeals Board (California Court of Appeal)

Argued appeal in case challenging the constitutionality of certain changes to the California workers' compensation system.

Ashford Hospitality Prime v. Sessa Capital (U.S. Court of Appeals for the Fifth Circuit)

Argued appeal for New York based hedge fund arising out of proxy contest litigation.

Angelotti Chiropractic, Inc., et. al. v. Baker (U.S. Court of Appeals for the Ninth Circuit)

Argued appeal from order granting statewide preliminary injunction prohibiting the enforcement of new fees imposed by the State of California on providers of medical services to workers' compensation claimants.

Alexsam, Inc. v. IDT Corporation (U.S. Court of Appeals for the Federal Circuit)

Argued appeal for defendant telecommunications provider from adverse verdict in patent infringement action. Obtained reversal of jury's verdict of infringement on grounds that insufficient evidence supported the jury's verdict.

ICE Corporation v. Hamilton Sundstrand Co. (U.S. Court of Appeals for the Tenth Circuit)

Argued appeal for Hamilton Sundstrand from \$20 million adverse trade secret misappropriation verdict. Won reversal of punitive damages award.

Applied Medical Resources Corp. v. United States Surgical Corp. (U.S. Court of Appeals for the Federal Circuit)

Argued appeal for Covidien subsidiary in patent infringement action involving instrumentation for laparoscopic surgery. Secured affirmance of noninfringement verdict at trial.

OTHER REPRESENTATIVE CASES

Representative Intellectual Property Litigation

General Access Solutions, Inc. v. Sprint (U.S. District Court, Eastern District of Texas)

Lead counsel for General Access in patent infringement action against Sprint involving fundamental patent relating to beamforming technology employed by 4G LTE and 5G base stations. Case settled favorably in August 2021, just one week before trial.

Sycamore IP Holdings v. ATT et. al., (U.S. District Court, Eastern District of Texas)

Lead counsel IP holding company from the former Sycamore Networks in patent infringement action against several major telecom providers. Patent relates to transcoding of data in optical networks. Case set for trial in December 2017. Case against Verizon settled favorably. Case against other carriers lost on summary judgment.

ContentGuard, Inc. v. Amazon.com, Inc. (U.S. District Court, Eastern District of Texas)

Lead trial counsel for Amazon in patent infringement action involving nine patents relating to Digital Rights Management technology. Case settled favorably prior to trial.

Trover Group, Inc. v. Tyco International, Ltd. et. al. (U.S. District Court, Eastern District of Texas)

Co-lead trial counsel for Tyco and ADT in patent infringement action involving security systems. Case settled prior to trial.

Tandberg Data Corp. v. Hewlett-Packard Company (U.S. District Court, Colorado)

Represented defendant and counterclaim plaintiff HP in patent infringement action relating to data storage technology. Case settled prior to trial.

Micron Technology, Inc. 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 chips are invalid, unenforceable, and not infringed. Case also involved antitrust and fraud claims relating to Rambus's misconduct in connection with industry standard-setting activities.

Siemens, AG v. LG Semicon Co. (U.S. District Court, Delaware)

Represented Siemens in patent infringement litigation relating to semiconductor circuitry and manufacturing processes.

Hyundai Electronics Industries Co. v. Infineon Technologies A.G. (U.S. District Court, Northern District of California)

Represented Infineon Technologies in patent infringement litigation relating to semiconductor circuitry and manufacturing processes.

Representative Antitrust Litigation

In re Google Play Antitrust Litigation (U.S. District Court, Northern District of California)

Leading member of team representing consumers in putative class action alleging that Google has engaged in anticompetitive conduct in order to monopolize the market for distribution of applications and in-app content. Case currently pending.

NBA Players Association v. National Basketball League

Advised the NBA Players Association regarding potential antitrust claims against the NBA during the 2011 NBA lockout.

Barr Laboratories, Inc. v. DuPont Pharmaceuticals Company (U.S. District Courts, Delaware and Eastern District of New York)

Represented DuPont Pharmaceuticals Company in antitrust litigation challenging DuPont's lobbying and marketing activities concerning the anticoagulant medication Coumadin®. Case settled favorably.

Representative Mass Tort and Qui Tam Litigation

Poehling v. UnitedHealth Group, Inc. (U.S. District Court, Central District of California)

Currently representing UnitedHealth in qui tam litigation alleging that UnitedHealth submitted false claims resulting in billions of dollars in overpayments to its Medicare Advantage plans by failing to delete risk assessment codes not supported by the underlying medical records.

Las Vegas Hepatitis C Litigation (Clark County, Nevada)

Lead trial counsel for one of several trial teams for UnitedHealthcare in litigation encompassing over forty separate cases brought by individuals who contracted Hepatitis C during endoscopy procedures performed at clinics that were on UnitedHealthcare's network of approved healthcare providers. Cases settled after Bartlit

Beck won a favorable jury verdict in one of the lead cases.

In re Genetically Modified Rice Litigation (U.S. District Court, Eastern District of Missouri)

Member of national trial team for Bayer in multidistrict litigation relating to the unintended low-level presence of genetically engineered rice in commercial rice shipments. Served as trial counsel in a series of bellwether trials in 2009 and 2010.

Representative Securities Litigation

Ashford Hospitality Prime v. Sessa Capital (U.S. District Court, Northern District of Texas)

Lead counsel for New York based hedge fund in proxy contest litigation. Server as lead trial counsel in preliminary injunction hearing.

IDT Corporation. v. Telefonica, S.A. (U.S. District Court, New Jersey)

Represented IDT in securities fraud action relating to the termination of a joint venture between IDT and Terra Networks and Terra Network's acquisition of internet portal Lycos. Action resulted in highly favorable settlement for IDT.

EchoStar Communications Corporation v. News Corp. (U.S. District Court, Colorado)

Represented plaintiff in action for breach of contract against The News Corporation seeking several billion dollars in damages. Case settled favorably.

Representative Legal Malpractice Litigation

Frank McCourt v. Bingham McCutchen LLP (Massachusetts Superior Court)

Represented Frank McCourt, the former owner of the Los Angeles Dodgers, in connection with his legal malpractice claims against Bingham McCutchen LLP arising out of Bingham's negligent preparation of Mr. McCourt's postnuptial agreement, allowing his former wife to claim ownership of 50% of the Dodgers franchise, which sold for \$2.15 billion. Obtained dismissal of an unprecedented declaratory judgment action brought against Mr. McCourt by Bingham, seeking a determination that the firm did not commit malpractice and did not proximately cause Mr. McCourt's damages. A confidential settlement was reached.

Charter Communications, Inc. v. Irell & Manella, LLP (U.S. District Court, Central District of California)

Represented Charter Communications in \$150 million legal malpractice action against well-known national law firm arising out of negligent documentation of substantial corporate acquisition. A confidential settlement was reached in February 2009.

Confidential Legal Malpractice Representation (Chicago, Illinois)

Represented high net worth family seeking resolution of malpractice claims against national law firm in connection with negligent estate planning resulting in hundreds of millions of dollars in unanticipated tax liabilities. Case settled favorably following confidential settlement discussions.

Confidential Legal Malpractice Representation (Richmond, Virginia)

Represented leading manufacturer of plastic bottles in connection with legal malpractice claims against a large, regional law firm arising out of \$50 million settlement of patent infringement litigation. Case settled

favorably following confidential mediation.

Confidential Legal Malpractice Representation (Los Angeles, California)

Represented major data storage company seeking resolution of malpractice claims against national law firm for negligent representation resulting in significant litigation sanction. Provided representation and advice in connection with confidential mediation.

BIG WINS

Bartlit Beck Wins Two Large Trials In Denver

06.15.2019

Bartlit Beck Wins Complete Defense Verdict in \$400 Million Patent Case

Bartlit Beck Wins Defense Verdict in High-Stakes Patent Infringement Case Involving Medical Devices

NEWS

Bartlit Beck Earns Top Rankings by Benchmark Litigation

10.01.2021

Bartlit Beck Earns Top Rankings by Benchmark Litigation

10.01.2020

Chambers USA 2017 Client's Guide places Bartlit Beck attorneys in the top tier

08.15.2017

Chambers USA 2015 Client's Guide Places Bartlit Beck Attorneys at the Top

07.2015

Chambers USA 2014 Client's Guide Places Bartlit Beck Attorneys at the Top

08.2014

Chambers USA 2013 Client's Guide Places Bartlit Beck Attorneys at the Top

06.2013

Chambers USA 2012 Client's Guide Places Bartlit Beck Attorneys at the Top

06.2012

Denver Business Journal touts Bartlit Beck's success, teamwork

06.2012

Chambers USA 2011 Client's Guide Places Bartlit Beck Attorneys at the Top

06.2011

Glen Summers and Bartlit Beck Team Win Jury Verdict on Fraud and Breach of Contract Against Janus Capital

05.2009

Fred Bartlit, Glen Summers and Sean Grimsley Win Complete Defense Verdict for Covidien in \$400 Million Patent Infringement Action
02.2008

Bartlit and Beck Named Lead Lawyers in Election Contest
12.2000

PUBLICATIONS

Antonin Scalia – A Justice in Full
National Review, 2016 February 29, (Contributor)

Private Property Without Lochner: Toward a Takings Jurisprudence Uncorrupted by Substantive Due Process
142 U. Pa. L. Rev. 837, 1993, (Comment)