



## JOHN S. PHILLIPS

PARTNER

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John Phillips has both first-chaired trials in complex commercial disputes and counseled corporations and limited liability companies on a wide variety of corporate legal issues, negotiations, transactions, governance, employment, and compliance matters.

John joined Bartlit Beck's Denver office when the firm was founded in 1993, after four years in the Washington D.C. office of Kirkland & Ellis. He became a partner of Bartlit Beck in 1995, went in-house at KN Energy, Inc. as Assistant General Counsel in 1996, and returned to Bartlit Beck as a partner in 1997. John has tried cases to judges, juries, and arbitration tribunals in the United States and internationally. John has also represented numerous companies in important business transactions, including mergers and acquisitions, contracts, and securities matters. John has served as primary outside counsel to a number of companies in a variety of industries.

John has been recognized as a Client Service All-Star based on interviews with 240 in-house, corporate counsel who were asked by BTI Consulting Group to identify lawyers who provide exceptional client service, including client focus, understanding of clients' business, delivery of efficient, value-added service, results, and legal skills.

### REPRESENTATIVE TRIALS

***Confidential International Arbitration*** (London/Singapore)

First-chaired confidential international arbitration for sellers of business in post-sale dispute in international arbitration under UNCITRAL rules. Case won after multiple evidentiary hearings in London and Singapore.

***Confidential JAMS Arbitration*** (Minneapolis, Minnesota)

Trial counsel for defendant in a confidential damages-only arbitration stemming from a product liability settlement.

***Confidential CPR Arbitration*** (New York City)

Trial counsel for plaintiff in a confidential four-week arbitration of a \$1 billion breach of contract case related to a construction dispute.

## ***Environmental Lawsuits and Arbitrations*** (West Virginia and New Jersey)

Trial and arbitration counsel representing DuPont in (i) two-month class action jury trial in Clarksburg, West Virginia, and (ii) successful five-month and three-month arbitrations of toxic-tort claims in New Jersey (cross-examined 75 witnesses).

## ***Pro Bono High School Athletic Eligibility Cases*** (Denver, Colorado)

Successfully brought cases in 2003, 2004, and 2015 against the Colorado High School Activities Association. Represented inner city high school student in regaining athletic eligibility; trial before retired U.S. District Judge (and former Colorado Supreme Court Justice) Jim Carrigan. Represented three inner city high school students in race/religious discrimination case; athletic eligibility regained after three-day trial in April 2004 before former Chief Justice of the Colorado Supreme Court Luis D. Rovira. Represented high school student in legal challenge to transfer eligibility; eligibility regained after appeals committee reversed commissioner's decision.

## **OTHER REPRESENTATIVE COMMERCIAL DISPUTES**

### ***ET Plus Litigation*** (Jackson County, Missouri)

Represented defendants Trinity Industries and Trinity Highway Products in class action litigation involving product liability claims related to Trinity's ET Plus guardrail end terminal system.

### ***Xarelto Products Liability Litigation*** (E.D. La. and Pennsylvania state court)

Represented Bayer in lawsuits alleging personal injuries caused by the novel oral anticoagulant Xarelto. Responsible for case work-up in multiple federal bellwether and Pennsylvania state court cases and obtained voluntary dismissals.

### ***Crow Tribe v. Australian-American Energy Company*** (Arbitration)

Represented The Crow Tribe of Indians (Apsaalooke Nation) in a dispute with Australian-American Energy Company with respect to the proposed development of a \$7 billion coal-to-liquids project on the Crow Reservation in southeastern Montana.

### ***First Reserve Corporation and AMCI v. Companhia Vale Do Rio Doce*** (Supreme Court of Queensland, Queensland, Australia)

Represented sellers of coal company in post-sale disputes related to third party coal contracts. Cases filed by both sides in Supreme Court of Queensland in Brisbane Australia.

### ***Trasylol Litigation*** (Multiple Jurisdictions)

National counsel for Bayer in products liability actions concerning Trasylol, an anti-fibrinolytic drug used to reduce perioperative blood loss and the need for blood transfusion in patients undergoing cardiopulmonary bypass in the course of coronary artery bypass graft surgery who are at increased risk of blood loss or blood transfusion.

### ***DK Acquisition Partners, L.P. et al. v. J.P. Morgan Chase & Co. et al.*** (S.D. Tex.)

Represented holders of more than \$1.5 billion in Enron bank debt in their action against J.P. Morgan Chase & Co., Citigroup, and affiliates, alleging fraud and other wrongdoing based on defendants' knowledge of and participation in scheme to conceal Enron's true financial condition. Case settled.

***In re Oak Mountain Energy*** (U.S. Bankruptcy Court, N.D. Ala.)

Lead counsel for Peter Kiewit Sons and various subsidiaries in adversary proceeding seeking damages based on alter ego and other theories. Case settled before trial.

***Gen-Probe Incorporated v. Bayer HealthCare LLC and Bayer Corporation*** (S.D. Cal.)

Represented Bayer in multiple patent infringement actions involving nucleic acid detection assays for HIV and hepatitis. Cases settled.

***Ankmar Door v. Baan*** (D. Colo.)

Represented Baan, which makes enterprise resource planning software, in fraud and breach of contract action related to performance and functionality of Baan software. Case won on summary judgment.

***IDT Corporation v. Telefonica, S.A., Terra, and Lycos*** (D.N.J.)

Represented plaintiff 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. Case settled before trial.

***Marriott Corporation v. AMR*** (Texas State Court, Dallas)

Represented plaintiff Marriott against AMR in \$1 billion software development/joint venture dispute. Case settled on eve of trial.

***McLendon v. Continental Can*** (D. N.J.)

Represented Peter Kiewit Sons', Inc. in post-trial damages proceedings in civil ERISA damage class action claiming \$800 million. Case settled during extended hearings and briefing.

## **TRANSACTIONAL AND COUNSELING EXPERIENCE**

Have represented a large number of public and private companies in mergers and acquisitions, securities matters, contracts, employment matters, financings, governance, and other corporate and transactional matters.

Examples include work for a wide variety of corporations, private equity companies, joint ventures, and limited liability companies in various industries such as Celestial Seasonings, First Reserve Corporation, Gaiam, Titanium Metals Corporation, FTI Corporation, CompX International, Tejas Gas, Scissortail Energy, Wyoming Refining Company, Aavid Thermal Products, Headwaters, the Crow Tribe, Platte River Ventures, and many private equity funds and their portfolio companies.

## **EDUCATION & HONORS**

University of Michigan Law School, 1989, J.D.

Northwestern University, 1986, B.S., with Honors

## **ADMISSIONS**

Colorado

Illinois

District of Columbia

## **PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE**

Former Board Member, Denver Urban Debate League

Former President and Board Member, Colorado Lawyers for the Arts

Former volunteer, Big Brothers of Metro Denver

## **NEWS**

Bartlit Beck Attorneys Named Client Service All-Stars  
01.2010