



## Paul Swanson

Partner

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**Paul counsels his clients on antitrust compliance and all phases of complex dispute resolution, and is an aggressive advocate for their interests in court.**

### PRACTICES

Business Litigation  
Antitrust and Competition  
Appellate  
Intellectual Property Litigation  
Government Contracts  
Cross-Border Solutions

### EDUCATION

Cornell Law School, J.D., 2012  
*summa cum laude*  
Kerr Family Memorial Prize

University of California - Berkeley, B.A., 2006  
*magna cum laude*  
California Alumni Association Scholar

### BAR ADMISSIONS

Colorado  
New York

### COURT ADMISSIONS

U.S. Court of Appeals for the Tenth Circuit  
U.S. Court of Appeals for the Seventh Circuit  
U.S. District Court for the District of Colorado  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Northern District of Texas  
U.S. District Court for the Western District of Oklahoma

When clients face legal exposure, Paul collaborates with them to identify core interests, minimize risk, and efficiently pursue their objectives without litigation. When push comes to shove, Paul leads state and federal litigations, arbitrations, and regulatory actions for clients across industries – and guides them through all stages of dispute resolution, from pre-suit assessment and negotiation to trial and appeal. Paul provides clients with tailored solutions to ensure that court fights do not distract from business priorities, and he harnesses experience leading large, complex cases to give clients strategic insights that harmonize corporate goals with the demands of litigation.

Paul leads Holland & Hart's antitrust and competition practice. Before joining the firm, Paul worked at Sullivan & Cromwell and Patterson Belknap in New York City, and he served as a law clerk to U.S. District Court Judge Richard J. Sullivan of the Southern District of New York. Before law school, he served as a policy aide in the Washington offices of Congresswoman Ellen O. Tauscher and Congressman Harry E. Mitchell.

### EXPERIENCE

#### General Commercial Litigation

Paul manages in-court proceedings at every stage for clients across the country and is go-to litigation counsel for multiple publicly traded companies. Paul serves as lead counsel for trial teams, both on the plaintiff's and defendant's side, and has prevailed for his clients through pre-litigation negotiation, TRO and preliminary injunction proceedings, early in-court dismissals, summary judgment, and trial. He brings quick-thinking and poise to oral arguments and careful preparation and incisive examinations to trials and hearings.

Paul's general litigation practice focuses on contract, business tort, and intellectual property claims and runs the gamut from simple six-figure contract disputes to multi-year, nine-figure financial fraud litigation. For simple contract cases, Paul has developed an efficient framework that gives clients legal-fee certainty and quick recoveries through aggressive pre-litigation and in-court action and swift use of state and federal post-judgment enforcement tools. For complex litigation, Paul manages teams of lawyers, experts, and paralegals and ensures that, at each incremental step, he adds value for his clients and advances them toward their ultimate

goals.

### Antitrust

Paul advises clients about risks and best practices associated with pricing, market control, commercial restrictions, competitor collaborations, and other complex, competitively-sensitive business practices. Paul develops strategies to align business models with antitrust law and avoid legal exposure from anticompetitive conduct. He has crafted antitrust compliance programs for multiple clients and conducts trainings for executives and other personnel to ensure compliance and avoid regulatory and private-suit exposure. In litigation, Paul has developed innovative approaches to monopolization theories and has presented, published, and been cited by business media on antitrust issues.

### Appeals

Paul has briefed and argued appeals in state and federal courts around the country. His nimble advocacy and exhaustive understanding of the record aid appellate judges in fully understanding his client's position, and Paul relishes the opportunity to navigate cross-examination from a panel of judges. Paul has successfully defended judgments for breach of contract, fraud, human trafficking, and wage violations and has won reversals of multimillion-dollar judgments predicated on legal error.

## CLIENT RESULTS

### Antitrust Advice and Litigation

Represented plaintiff-distributor in \$60 million Sherman Act, Robinson-Patman Act, and state antitrust claims and defeated motion to dismiss before obtaining settlement.

Won dismissal of Sherman Act Section 1 *per se* and rule-of-reason claims brought against global apparel company based on brand-management activity on Amazon.com.

Counseled multiple clients in creating and revising minimum-advertised pricing (MAPP), unilateral pricing (UPP), and other sales policies.

Designed antitrust compliance policy and training program for global trade association comprising multiple Fortune 500 companies and conducted trainings for members' executives.

Represented multiple clients in responding to DOJ and FTC investigations of suspected anticompetitive conduct, and in defending third-party subpoenas in civil litigation.

Advised trade group regarding potential antitrust liability associated with information-collection and -sharing and developed policies to mitigate exposure.

Represented US sports league in anti-monopoly litigation under Sherman

Act and California and Colorado competition statutes.

Advised multiple clients regarding no-poach, non-solicitation, and related restrictions in commercial agreements.

Represented private software company in federal district and appeals courts over antitrust and contract claims against a major aerospace company.

Advised major US aerospace company regarding intellectual property protection and antitrust risk associated with bidding process for government and commercial space contracts.

Advised US energy company on antitrust implications of selective sharing of pipeline capacity and developed strategy to avoid risk.

Counseled media companies regarding Sherman Act risk associated with competitor collaborations, consent-decree compliance, and related matters and identified strategies to reduce exposure.

Advised education publisher on tying and bundling risk associated with nationwide sales strategy and developed analysis to mitigate risk.

### **General Commercial Litigation**

Serve as lead outside counsel for Fortune 500 technology company in dozens of state and federal litigations against breaching manufacturers, resellers, and other counterparties.

Led trial team and won sweeping judgment on contractual and equitable claims brought on behalf of CRM company after a failed corporate acquisition.

Won dismissal of putative federal class-action against national insurance provider based on alleged Telephone Consumer Protection Act (TCPA) violations.

Led trial team in two-week federal jury trial over eight-figure dispute concerning a contract for implementation of enterprise-level software.

Won dismissal of seven-figure business-tort claims against global apparel company in New York state court.

Won preliminary injunction after leading two-day hearing for business and real estate client in seven-figure ownership dispute and thereafter obtained full summary judgment in his favor.

Led trial team in contract and fraud action over disputed supply-chain agreement in federal court and secured seven-figure settlement on eve of trial.

Advised major global sports company on compliance with NCAA name, image, and likeness (NIL) standards.

Served as lead counsel for major Colorado technology company in breach-

of-contract action with customer; secured full, seven-figure judgment.

Won full dismissal of seven-figure claims in Illinois state court action as lead counsel for a Colorado software company.

Managed response to SEC investigative subpoena for large public-company client.

Represented apparel start-up company in successful pre-litigation negotiations to avoid copyright-infringement claims by designers.

Won summary judgment for national food supplier in seven-figure franchise dispute.

Represented financial guaranty insurers in litigation and nine-figure settlement arising from the origination and securitization of residential mortgage-backed securities (RMBS).

Represented "Big Three" automotive engineer in Congressional interviews, regulatory inquiries, and civil litigation related to nationwide litigation over ignition switch and airbag deployment.

Represented private aerospace company in arbitration proceedings before the International Chamber of Commerce.

Conducted internal investigation and reported to board-of-directors on suspected Foreign Corrupt Practices Act (FCPA) violations for international trade association.

Represented multiple individuals in DOJ and state investigations related to international tax shelters and non-profit-entity status.

Blocked copyright and trade secret claims against Fortune 500 food-and-beverage company accused of misappropriating designs from engineering firm.

Won summary judgment for a religious group in a federal civil rights action against a New Jersey township that denied the group's application to build a house of worship.

Obtained injunctive relief on behalf of natural resources company to block unlawful property taxes assessed by a quasi-governmental entity.

Represented clients in variety of industries in defending against third-party subpoenas in federal litigation.

### **Appellate Litigation**

Successfully defended dismissal of contract claims in Seventh Circuit appeal for Fortune 500 technology company.

Won full affirmance in Tenth Circuit appeal defending jury verdict for claims under the Trafficking Victims Protection Reauthorization Act.

Prevailed in appeal before the Colorado Court of Appeals to secure

injunctive relief against unlawful taxation of Colorado energy company.

Won reversal of a multimillion-dollar forfeiture order against a nonprofit cultural institution in an appeal to the US Court of Appeals for the Second Circuit.

Represented private software company in Tenth Circuit appeal defending a \$43 million jury verdict.

Represented incarcerated defendant in precedential appeal to New York appellate division related to charges pursued without adequate predication.

Represented executor and conservator of various estates in multiple Colorado state appeals arising from disputes over management of estates and disposition of assets.

Represented asylum applicant in proceedings before Board of Immigration Appeals after lower court ordered removal.

## **PUBLICATIONS**

"State Antitrust Practice and Statutes, Sixth Edition - Chapters for the States of Colorado and Wyoming," *American Bar Association*, January 2, 2024

"Colorado's New Antitrust Law Empowers Attorney General to Challenge Mergers & Acquisitions," *Holland & Hart News Update*, March 27, 2020

"Tenth Circuit's Limitations Ruling Feeds Circuit Split Over ADA," *Law.com*, December 12, 2019

"Limitless Limitations: How War Overwhelms Criminal Statutes of Limitations," *Cornell Law Review: Volume 97, Issue 6*, September 2012

## **RECOGNITION**

- *Best Lawyers: Ones to Watch in America™*, Commercial Litigation, 2021-2024
- Colorado Super Lawyers® Rising Stars, Business Litigation, 2022-2024

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Association, Antitrust Section, Member
- Colorado Bar Association, Member
- Denver Bar Association, Member
- Denver Metro Chamber of Commerce, Leadership Foundation
- Faculty of Federal Advocates