DAVID R. FINE

My practice consists of civil and commercial dispute resolution and counseling. You can contact me at dfine@kghllaw.com.

Representative Cases and Clients

CCHN v. Colorado General Assembly et al. (Denver District Court) Represent coalition of non-profits in litigation over the interpretation of Amendment 35 to the Colorado Constitution, which creates a tax on tobacco products to increase access to health care for underserved populations.

Keller v. Davidson (United States District Court for the District of Colorado) Represented plaintiffs in litigation over attempted mid-term redistricting by Colorado Republicans. The opinion of the three-judge panel is reported at 299 F.Supp.2d 1171 (D.Colo. 2004).

AC-Electric v. Leprino Foods Co. (United States District Court for District of Colorado) Local counsel for plaintiff in litigation over construction of advanced food processing plant in California.

Ken Small Construction v. Leprino Foods Co. (United States District Court for the District of Colorado) Lead counsel for plaintiff in litigation over construction of wastewater line in connection with construction of advanced food processing plant in California.

Colorado Democratic Party Ongoing advice and counsel regarding election and campaign finance matters.

Archdiocesan Housing Corporation Ongoing advice regarding housing matters.

Rocky Mountain HDC. Ongoing advice regarding employment and general matters.

Gardner v. Durango (United States District Court for the District of Colorado) Represent plaintiff in civil rights action alleging excessive force, among other things.

UMB Bank Colorado v. Kenny (Denver District Court). Obtained $2.2 million judgment on behalf of bank against guarantor of promissory note.

Advantage Wireless, Inc. v. Voicestream (commercial arbitration). Co-counsel for distributor of wireless services against national wireless carrier in breach of contract arbitration, in which our client was awarded damages of $1.5 million plus attorneys' fees.

Nelson v. Computer Associates, Inc. (Denver District Court). Obtained $175,000 jury verdict in favor of former executive vice president in lawsuit against international computer consulting company regarding company's breach of executive's retention bonus agreement.

EEOC v. Anchor Coin (U.S. District Court, Colorado). Co-counsel in lawsuit resulting from discrimination by casino against Hispanic workers, including enforcement of an English-only workplace policy.

Client v. Defendant (Denver District Court). Co-counsel for plaintiffs in action against insurers and attorneys in which our client received a settlement of $2.5 million.

Home Care Management, Inc. v. Colorado (Denver District Court). Represented provider of Medicaid services in lawsuit against state alleging that provider's contract with the state was terminated because of provider's protest of state budget cuts.

Emrick v. Paine Webber (Denver District Court). Represented attorney defendant in securities related litigation.

Denver Health v. Thornton (Adams County District Court). Represented public hospital in action versus city over responsibility for payment of medical care to person in custody of city police.

Denver Health and Housing Authority. Representation as needed on employment and contract dispute matters. Recently represented client in connection with Open Records Act request from The Denver Post regarding the diversion of emergency care from area hospitals.

Cue v. John Q. Hammons Hotels (U.S. District Court, Colorado). Obtained $75,000 settlement for woman denied bussing job because of her deafness.

Client/Denver Botanic Gardens. Represented executive director of botanic gardens during internal investigation in response to anonymous complaints.

2000 Congressional Redistricting. Represented intervenor in lawsuit to determine new congressional districts for Colorado.

Colorado Coalition for the Homeless and Catholic Charities v. Lowry Redevelopment Authority (Denver District Court). Co-counsel on behalf of two non-profit low-income housing developers in breach of contract action against redevelopment authority which resulted in settlement allowing the location of significant homeless housing on deactivated air force base.

Huner v. City of Longmont (U.S. District Court, Colorado). In suit alleging wrongful discharge, obtained $80,000 settlement for former head of city public works department.

Advantage Wireless v. Qwest Wireless (commercial arbitration). Co-counsel in contract litigation over client's distribution of wireless carrier's services.

Blue Cross Health Care Conversions. Represented consumer groups in connection with the conversion of Blue Cross Blue Shield health care organizations from non-profit to for-profit in Colorado and Wisconsin.

Aurora Housing Corporation/Lowry Redevelopment Authority. Assisted affordable housing provider in investigation into intergovernmental housing authority's compliance with contract to provide net proceeds of development.

Shawl v. Dillards (Tenth Circuit Court of Appeals). Represented plaintiff Ethiopian woman in action against retailer for racial profiling.

Pfeiff v. Watt Residential Partners et al. (California trial court). Assisted California counsel on behalf of plaintiff in multimillion dollar action resulting from plaintiff's termination as CFO of real estate partnership.

Brotha 2 Brotha vs. City and County of Denver (U.S. District Court, Colorado). Represented city in civil rights and constitutional class action litigation.

Brown vs. Planergy, Inc. (Denver District Court). Obtained six-figure settlement for former president of energy company who was terminated after the purchase of the company by Public Service Company of Colorado.

Presby Corp. v. Restorvision (U.S. District Court, Colorado). Local counsel in patent infringement case involving treatment for presbyopia.

Colorado Housing and Finance Authority. Representation of CHFA in arbitrations related to low income housing tax credit allocation process.

Wall v. Wright (Denver District Court). Defended woman in defamation action filed by a former co-worker who was fired after woman accused him of sexual harassment.

P.A.R. Alloy, Inc. v. Lorenzen, et al. (Denver District Court). Obtained permanent injunction for a company against a former employee in a trade secrets case.

Patton v. City of Boulder (U.S. District Court, Colorado). Co-counsel representing former Human Resources Department Director in employment discrimination action.

Employment History

Kelly Garnsey Hubbell + Lass LLC (Denver, Colorado): Member, 1994-present.

Legal Aid Society of Metropolitan Denver: Staff Attorney, 1991-1994.

Hill & Robbins, P.C. (Denver, Colorado): Associate, 1988-1991.

Colorado Supreme Court: Law Clerk to Honorable George E. Lohr, 1987-1988.

Education

J.D., Northwestern University Law School, 1987, cum laude.

B.A., University of Wisconsin, 1982, with distinction.

Honors: Phi Beta Kappa; Phi Kappa Phi.

Licensure

Admitted to practice in Colorado, United States District Court for the District of Colorado, Tenth Circuit Court of Appeals, Ninth Circuit Court of Appeals, and United States Supreme Court.

Civic and Professional Activities

Martindale-Hubbell "AV" rating.

Denver Bar Association: Member.

Colorado Bar Association: Member; Board of Governors, 1992-1994; Interprofessional Committee, 2000-present; Co-Chair, 2004-2005.

Habitat for Humanity of Colorado: Director, 1998-2004.

Colorado Lawyers Committee: Executive Committee, 2003; Board of Directors, 2003-present; Housing Task Force, Chair.

Central Visitation Program: President and Director, 1995-2001.

American Judicature Society: Member.

Publications

"Constitutional Law," *Annual Survey of Colorado Law*, all editions 2000-present, CLE in Colorado, Inc. Education.

"The Meaning of 'Cause' in Employment Contracts," 31 *The Colorado Lawyer* 133 (July 2002).

"The New Federalism: Ignore it at Your Peril," 29 *The Colorado Lawyer* 5 (November 2000).

"Zoning Amendments and the Fair Housing Amendments Act," 26 *The Colorado Lawyer* 63 (1997).

Chapter on Rule 120, Knapp, Colorado Civil Procedure Forms and Commentary (1996).

Foreign Languages

Spanish and Hebrew.