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PAUL D. GODEC

Birthplace and Date: Pueblo, Colorado; April 1961

Education: 1986 Juris Doctor, Washington University in St. Louis School of Law
1983 Bachelor of Science, Civil Engineering, Rice University

Bar Admissions: Colorado Courts; United States District Courts, Districts of Colorado, Minnesota, Kansas, North Dakota, and Southern District of Texas (Houston); United States Court of Appeals for the Tenth Circuit

Employment History:

Oct. 2010 – Present Kissinger & Fellman, P.C., Denver, CO
Special Counsel
Private legal practice involving extensive experience in civil litigation and dispute management focused in municipal taxation, employment, non-competition agreements, employment discrimination, contract, civil rights defense, insurance defense, health care, municipal law, and construction claims for private and public clients.

Dec. 2009 – Oct. 2010 Godec Law Firm, P.C., Denver, CO
Owner
Private legal practice involving civil litigation and dispute management focused in employment, non-competition agreements, employment discrimination, contract, health care, and construction claims for private and public clients.

May 2005 – Dec. 2009 Ruegsegger Simons Smith & Stern, LLC, Denver, CO
Special Counsel
Special Counsel for private legal practice involving civil litigation and dispute management focused in employment, non-competition agreements, employment discrimination, contract, health care, insurance defense, and construction claims.

May 1998 – Apr. 2005 Stromberg Cleveland Crawford & Schmidt, P.C., Denver, CO
Partner
Partner at private legal practice involving litigation and dispute management focused in the healthcare industry. Extensive experience as insurance defense counsel for a

Preferred Provider Organization and Utilization Review Organization involving claims under automobile personal injury protection policies. Special Assistant Attorney General for Regents of the University of Colorado in litigation involving the School of Medicine.

Oct. 1992 – Apr. 1998

Bruno Bruno & Colin, P.C., Denver, CO

Private legal practice focusing on representation of public safety employees and public entities, including civil, civil rights, criminal, and administrative defense. Experience in defense of high-profile civil cases involving allegations of police misconduct.

May 1986 – Mar. 1992

Hayes Phillips & Maloney, P.C., Denver, CO

Private legal practice focusing on the representation of municipalities and special districts as general legal counsel and in litigation and administrative proceedings. Extensive trial experience as a municipal court prosecutor for several municipalities.

Areas of Concentration:

General business and corporate law, employment law, employment contracting, public employment, medical professional licensure and credentialing, insurance defense, complex civil litigation including contract, health care, municipal, employment, construction, construction defect, and civil rights.

Professional Associations:

American Bar Association; Colorado Bar Association (Health Law Section and Construction Law Section); Denver Bar Association.

Publications:

Will Technology Drive the Future of Trucking Regulations?
The Transportation Lawyer (October, 2012, Vol. 14, No. 2, pages 43-44)

Defensible Termination Decisions, Colorado Claims (April 2011, Vol. 9, No.1)

Protect Against 'Clean' Theft of Secrets Using Data-Scrubbing Programs, Denver Business Journal (November 14-20, 2008), with Robert Lelewski

Plugging Telecommunications Leaks of Proprietary Information, Denver Business Journal (April 11-17, 2008)

The Former Employee Problem, Part of Firm Seminar, Special Employment Problems for Health Care Employers (2002)

Selected Recent Employment Law Decisions (Various editions, published by Stromberg Cleveland Crawford & Schmidt, 2002-04)

Recent Legal Developments Encourage De-Selection of Incompetent Doctors, Am. Health Lawyers Ass'n

Physician Organizations (2002)
Polygraph Tests, CPPA Law Enforcement Journal (1995)
Peace Officers' Duties and Potential Liabilities Under Colorado's Domestic Violence Statutes, CPPA Law Enforcement Journal (1994)
Publication of Legal Notices by Colorado Municipalities, Colorado Lawyer (1993)
Warrantless Inspection of Private Premises by Municipal Code Enforcement Officers, Colorado Lawyer (1992)
Taxation Innovations: Enhanced Sales Tax Incentive Programs, Urban Lawyer (1990)

Professional Activities:

Invited Lecturer, "Distinguishing the Gadfly from the Gunslinger: Identifying and Managing the Potential for Violence," *Colorado Municipal League Annual Conference* (June 19, 2014)
Lecturer, "Violence in the Workplace Protecting Yourself, Your Staff and Your Practice," *Pinnacle Assurance, SelectNet Conference* (September 28, 2012)
Lecturer, "Human Resources Update: Best Practices in Employment Law, HR & Risk Management," *CMCA Employment Law Seminar* (May 2, 2012)
Lecturer, "'You're Fired': Well-Documented Terminations May Trump Employment Claims," *Colorado Claims Ass'n Law Day* (Mar. 26, 2010)
Lecturer, "Drug Testing of Workers' Compensation Claimants," *Professionals in Workers' Compensation Annual Education Day* (Nov. 13, 2009)
Lecturer, "New Developments in Drug Testing," *Testing for the Best: Best Practices in Employee Fitness for Duty Testing, Drug Screening, and Background Checking* (CLE in Colorado, Inc., April 29, 2009)
Lecturer, "Where the Rubber Meets the Road in Electronic Discovery," *Women in E-Discovery* (Nov. 18, 2008)
Lecturer, "Overview of Employment Contract Law," *Colorado Auctioneers' Association* (Aug. 11, 2007)
Lecturer, "Workplace Investigations" (Firm Symposium, June 22, 2007)
Lecturer, "The Interplay of Employment Law and Workers' Compensation," *Lorman Workers' Compensation Seminar* (Grand Junction, May 5, 2006)
Lecturer, "The Bermuda Triangle of Employment Law: The Interplay of the ADA, the FMLA and Workers' Compensation" (Firm Symposia, 2004 & Oct. 2006)
Lecturer, "Considerations for Managed Care Contracting," *Great West Life Ins. Co.* (Internal Training Seminar, Oct. 2004)
Lecturer, "Violence in the Workplace" (Firm Seminar, Nov. 2003, April 2006 & July 2006)
Lecturer, "Sharks in the Water? Responding to Demands for

Evidence by the Legal System” (Firm Symposium, Sept. 2006)

Lecturer, “Wolves at the Door? Responding to Demands for Evidence by the Legal System” (Firm Symposium, April 2003)

Lecturer, “Non-Compete Provisions in Colorado Employment Contracts” (Firm Seminar, March 2006 & July 2006)

Lecturer, “Non-Compete Provisions in Colorado Employment Contracts,” *Breaking Up Is Hard To Do* (Firm Symposium, Jan. 2000)

Lecturer, “Update on Confidentiality and Managed Care Issues,” Sloans Lake Managed Care, Inc. (Oct. 2000 & July 2005)

Lecturer, “Courtroom Testimony for Law Enforcement Officers,” Alamosa Police Department (Feb. 1998)

Faculty, “New Gaming Laws in Colorado,” *Continuing Legal Education in Colorado, Inc.* (1992)

Lecturer, “Managing the Domestic Violence Case,” *Colorado Domestic Violence Coalition* (1990)

Lecturer, “Civil Enforcement of Building and Zoning Codes in Municipal Court,” *Colorado Municipal League* (Municipal Attorneys Section, 1990)

Representative Cases:

Kilcrease v. Domenico Trans. Co., No. 15-1320 (10th Cir. 2016 / pending) (representing defendant on appeal of summary judgment on failure to hire claim under the Americans with Disabilities Act)

Bd. of Cnty. Com'ners et al. v. Stapleton, No. 2015CA773 (Colo. Ct. Apls. 2016 / pending) (representing City of Black Hawk on appeal regarding the State Treasurer’s disbursement of funds to limited gaming communities from the limited gaming fund and the historical fund)

American Multi-Cinema, Inc. v. City of Aurora, No. 2014cv30822 (District Court, Arapahoe County, Div. 408; pending trial June 2016) (representing municipal defendant on tax appeal claiming digital motion pictures do not constitute tangible personal property subject to use tax)

Colorado Mills, LLC v. SunOpta Grains & Foods, Inc. (Colo. App. 2012), 269 P.3d 731 (Colo. 2012) (represented a non-party regarding a civil subpoena followed by briefing to Colo. S. Ct. which held that Colorado Courts lack authority to enforce civil subpoenas to produce documents issued by arbitrators to out-of-state non-party witness)

Newport Health Network, Inc. v. Smallen (District Court, City & County of Denver, Courtroom 6) (successful defense and settlement of claims of unfair competition and breach of duty of loyalty against former employees of a retail dispenser of hearing instruments)

Archer v. Farmer Bros. Co., 70 P.3d 495 (Colo. App. 2002),
aff'd, 90 P.3d 228 (Colo. 2004) (lead trial attorney
followed by briefing and oral argument to Colo. S. Ct.
which upheld trial court's refusal to award court costs to
plaintiff who recovered minimal damages on multiple
claims against multiple defendants).

Kochevar v. Sentry Ins. (District Court, City & County of
Denver, Courtroom 3) (defense of insurance bad-faith and
breach of contract claims arising from settlement of
workers' compensation claim; successfully deposed,
disqualified and designated opposing counsel as a non-
party at fault).

Great West Life Ins. Co. v. Dean, et al. (District Court, City &
County of Denver, Courtroom 5) (successful
representation of CoverColorado in defense of claims
involving alleged violations of the Taxpayers Bill of
Rights or TABOR and state statutes by both
CoverColorado and the Colo. Div. of Ins.).

Regents of Univ. of Colo. et al. v. Fenton, et al. (District
Court, City & County of Denver, Courtroom 6)
(appointment as Special Assistant Attorney General and
successful prosecution and settlement of civil claims for
breach of agreements not to compete and for other
theories against former faculty members of the University
of Colorado School of Medicine).

Marquez v. Laser Vision Institute, LLC, et al. (U.S. District
Court, D. Colo.) (successful defense and settlement of
discrimination claims against physician by prospective
homosexual and HIV-positive patient under the public
accommodations provisions of the Americans with
Disabilities Act).

*Style Drywall & Construction, Inc. v. Waner Construction, et
al.*, (Judicial Arbitrator Group, Denver, CO) (successful 10
day arbitration against general contractor and owner for
unpaid amounts on subcontractor agreement while
defeating construction defect claims).

R.S. Clark Const. Co. v. Cheyenne Montaña, LLP, et al.
(District Court, El Paso County, Div. 7) (successful
representation through trial to court for plaintiff general
contractor in construction defect dispute against
owner/developer resulting in almost \$500,000.00
judgment, and the defeat of multi-million dollar
counterclaims against performance bonds).

See Borjas v. State Farm Mut. Ins. Co., 33 P.3d 1265, 1266
(Colo. App. 2001) (co-counsel in defense of original civil
claims against police officer and municipality that trial
judge dismissed under Colorado Governmental Immunity
Act and that triggered subsequent insurance bad faith
claims involving Uninsured Motorist coverage).

People v. Sapp, 934 P.2d 1367 (Colo. 1997) (lead defense attorney for criminal claims against law enforcement officers ultimately resulting in dismissal of all charges because of violations of rights to speedy trial after remand from briefing and oral argument to Colo. S. Ct. on other issues).

Morreale v. City of Cripple Creek, et al., 1997 U.S. App. LEXIS 12229 (No. 96-1220, 10th Cir. 1997) (briefing at U.S. District Court resulting in summary judgment for defendants, followed by briefing and oral argument at the United States Court of Appeals for the Tenth Circuit which affirmed summary judgment on qualified immunity grounds for peace officers regarding allegations of excessive force and strip search during police detention for minor traffic infractions).

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