

# RICHARD BYRON PEDDIE, ESQ.

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## EDUCATION

**Georgetown University Law Center**, Washington, D.C.

Juris Doctor, May 1994. *Leahy Cup* moot court competition. *1993 Trial Advocacy Competition*, semi-finalist.

**University of Southern California, School of Cinema-Television**, Los Angeles, CA

Bachelor of Arts, *cum laude*, May 1990. Dean's Scholarship recipient.

**Liceo Classico G.M. Dettori**, Cagliari, Italy. Rotary exchange scholar, 1985-86, Italian classical studies school.

*Supplemental:*

**University of Colorado School of Engineering, Interdisciplinary Telecommunications Program**, Boulder,

Colorado. Course work in legal, policy, management, and technical areas credited towards Master of Sciences in Telecommunications, Spring 1999.

## LEGAL EXPERIENCE

**Lawstudios | Richard Byron Peddie, P.C.**, Boulder, Colorado.

*Shareholder/Attorney*, June 2001 - present. Founder and President of general purpose transactional and litigation law firm.

**Frascona, Joiner, Goodman & Greenstein, P.C.**, Boulder, Colorado.

*Attorney*, November 1995 - May 2001.

*Description of Activities, November 1995 - present:*

Areas of experience include securities regulation/reporting compliance, preparation of prospectuses, proxy materials, blue sky applications, private exemption/safe-harbor conformity (including off-shore exemptions); asset management/protection, including trade secrets and trademark and copyright registrations and protection of real estate and aviation assets; international asset recovery and protection, with successful results obtained in Argentina, Iraq, New Zealand, and Saudi Arabia; general corporate, entity, and commercial law, including formations, acquisitions, mergers/reorganizations, and stock and asset acquisitions; escrowed international securities transactions; specialized limited liability company formations, particularly in areas of real estate brokerages and real estate franchises; representation of technology, entertainment, and Internet-based companies; shareholder/equity-holder agreements; stock and phantom stock plans; entity governance instruments; intellectual property licensing (domestic and international); secured transactions; liquidating corporate trusts; opinions of counsel and due diligence for real estate and other securitized transactions; debt work-outs; liaison with self-regulatory organizations and exchanges for establishing/maintaining trading status.

Performance of all stages of civil and administrative litigation, including sole responsibility in real estate, personal injury, shareholder, unfair competition, entertainment, telecommunications, garment industry, aviation, and intellectual property litigation and dispute resolution, federal and state courts (Colorado, California and Florida). Representation of real estate clients in zoning, code enforcement, takings, condemnation and reverse-condemnation matters. Significant settlement results obtained pre-trial in suits against top-five national builder, national real estate services franchise, and dominant telecommunications concern (ILEC). Administrative litigation and appeals (IRS, public utilities, and trademark).

**PORTFOLIO SAMPLES – APPEALS & LITIGATION:** U.S. Tenth Circuit Court of Appeals: *United States v. Boigegrain*, 155 F.3d 1181 (10<sup>th</sup> Cir. 1998), *cert. denied* (constitutional litigation; obtained strong, published dissenting opinion by HOLLOWAY, S.J.); *Chambers v. Colorado Dept. of Corrections*, 16 F.3d 1220 (10<sup>th</sup> Cir. 1999) (unpublished) (civil rights/constitutional litigation; obtained reversal and remand); *Chambers v. Colorado Dept. of Corrections*, 205 F. 3d 1237 (10<sup>th</sup> Cir. 2000), *cert. denied* (civil rights/constitutional litigation; obtained reversal and summary judgment on appeal). Colorado State Appellate Courts: *Kanagy v. Bouquet*, (county court appeal; obtained reversal and remand); *Coal Creek Properties, Inc. v. Chase Manhattan Mortgage Corporation, et al.* 04CA0623

("Coal Creek I") (defense in first appeal of trial court judgment quieting rights in real property in foreclosure investor); *Coal Creek Properties, Inc. v. Chase Manhattan Mortgage Corporation et al.*, 07CA1968 ("Coal Creek II") (brought second appeal and obtained reversal of adverse trial court ruling that plaintiff was not entitled to attorneys fees). United States District Court for the District of Colorado: *GMAC v. Belair & Associates, et al.*, 03-CV-01207-LTB-PAC (trademark litigation: defense of real estate brokerage and broker in trademark suit). United States District Court for the Northern District of California: *Inspectech, Inc. v. Inspectech Rocky Mountain, Inc., et al.*, Case No. C-98-1180-MMC (first-chair copyright, trade-secret, and breach of contract litigation; success in pre-trial motions; development of critical, novel copyright strategy culminating in successful resolution of case). United States District Court for the Southern District of Florida: *Zaki Kulaibee Establishment v. Airspares Network et al.*, Case No. 08-60296-CIV-LENARD/TORRES (representation of Saudi company plaintiff in multi-party, complex litigation involving breach of contract, fraud, conspiracy, alter-ego/veil-piercer, aviation, and RICO issues). Colorado District Courts: *Nickal v. Vantage Bowling Corp.*, First Judicial District, Case No. 97-CV-1073 (first-chair of minority shareholder suit; enforcement of inspection rights; successful summary judgments obtained on all counterclaims with awards of attorneys' fees; development of central "freezeout" theory and application to compel successful resolution). *Lockwood v. Royal Discount, Inc., et al.*, Twentieth Judicial District, Case No. 09-CV-231 (defense of top-40 internet software retailer in minority shareholder suit; defense against enforcement of inspection rights; defense against "freezeout" and "squeezeout" assertions to compel successful resolution). *Kenfield v. Nations*, Eighth Judicial District, 08-CV-200 (successful defense in case involving theories of alleged trespass via explosives, ultra-hazardous activities, easements of necessity, building permit and building code enforcement, statute of limitations, and recoupment; successful inversion of positions such that defendant client exited litigation acquiring additional real estate and monetary settlement). *Coal Creek Properties, Inc. v. Chase Manhattan Mortgage Corporation et al.*, Nineteenth Judicial District, 2003-CV-1533 (multi-party complex foreclosure litigation involving two appeals – both successful – see notations re: *Coal Creek I & II, supra*; secured title to property against rights asserted by both prior owner and foreclosing lender, securing also full attorneys fees throughout). *Industrial Process Solutions, Inc. v. The New Firewall Forward, LLC et al.*, Eighth Judicial District, 2011-CV-1087 (suit against aviation repair station for faulty and fraudulent engine overhaul work; evisceration of all counterclaims and all affirmative defenses pre-mediation induced favorable settlement). California State Courts: *Da Da Trading Co., Ltd. v. Royal Apparel Group, LLC*, Case Number: BC291699 (filed 3/7/2003)(fashion/garment industry litigation: enforcement of Korean textile producer's claims against designer company). *Jen E Jen v. Betsey Johnson LLC*, Case Number: BC412479 (filed 4/30/2009)(fashion/garment industry commercial litigation). *Jen E Jen v. True Religion Apparel, Inc (d/b/a "True Religion Jeans")*, Case Number: 07K22113 (filed 11/27/2007)(similar). *Jen E Jen v. Aidan Industries, LLC (d/b/a designer "Catherine Malandrino")*, Case Number: 08K08433 (filed 4/3/2008)(similar). New York State Courts: *Coming Soon, LLC v. Commissioner of Labor of the State of New York*, Appellate Division, Third Department, No. 519127 (pending)(litigation over unemployment insurance contribution obligations within context of film industry).

## **OTHER EXPERIENCE**

Consultant. Promotion of photographers, screenwriters, and rock groups. Activities include business organization, negotiations, gallery shows, and sales, 1989-present. Translator. *Doctor Paolo Mengozzi, Professor of Law, University of Bologna*. English translation of paper re Treaty of Maastricht. Summer-Fall, 1992. TV Announcer/Translator. *Sardegna Uno TV, Cagliari, Italy*. Broadcast of weather and tourist information for English-speaking tourists in Mediterranean basin. Summer, 1990. Translator. *Francesco Cannas Engineering Co., Cagliari, Italy*. Translated civil engineering documents from English into Italian, 1990. Lecturer/Teacher/Coordinator. *Associazione Italia-Inghilterra, Cagliari, Italy*. Presented seminar on film production and screen writing, 1990. Taught private English lessons to Italian businessmen, 1989. Writer/Director. *Janus Pubblicita, Cagliari, Italy*. Wrote and directed commercials for regional television, 1989. CAD Draftsman. *Francesco Cannas Engineering Co., Cagliari, Italy*. Computer drafting of public works projects. Photographer. *Government of Sardinia, Italy*. Portfolios of archeological sites. *Teching, S.R.L.* Professional photographic portfolio of galleries, viaducts, cavalcades, bridges, and buildings, 1990. Instructor/Teaching Assistant/Assistant Lab Manager. *University of Southern California School of Cinema-Television*. Duties as teaching assistant to professor, including presentation of lectures and instruction on assigned topics; instruction of students in proper equipment use and lab technique; management of lab facilities with oversight and tutoring of students.

## **BAR MEMBERSHIPS**

State: California (1997), Colorado (1995), Florida (1995), New York (2014). Federal: U.S. District Courts for the Districts of: Colorado, Northern District of California, Central District of California, Southern District of Florida; U.S. Court of Appeals for the Ninth and Tenth Circuits; United States Supreme Court. Bar Associations: Member of the American, California, Colorado, Florida, and Boulder County Bar Associations.

## **DISTINCTIONS**

Graduate, *National Institute of Trial Advocacy Trial Academy*, 2004.

Elected by peers as President, *W. Penfield Tate II Inn of Court*, Boulder, Colorado, 2002-2003 term.

Recipient, Award: *Boulder County Bar Association, Young Lawyer of the Year*, 2000-2001.

## **ACTIVITIES**

*Panel Attorney: United States Court of Appeals for the Tenth Circuit—Criminal Justice Act and Civil Panels* (appeals by Tenth Circuit appointment)(special appointment to cases involving constitutional issues).

*Film Production – Executive Producer/Managing Member, Coming Soon, LLC*, June 2005-present. Managing member with credit as Executive Producer on feature-length dramatic production entitled *Last Call*, shot in New York City in Oct.-Nov., 2006, and screened at Big Apple Film Festival and other regional film festivals. See <http://www.imdb.com/name/nm2470143/> (Internet Movie Database Entry)

*Member, Board of Directors, Indian Peaks Aeromotive*, Palmerston North, New Zealand, March 2006-March 2008. Board member of CAA-licensed aircraft repair station.

*Member, Board of Directors, Paragon Airspares*, Palmerston North, New Zealand, March 2006-March 2008. Board member of CAA-licensed aircraft parts manufacturer.

*Chairman, Board of Directors, Community Television of Boulder, Inc.*, March, 2000-March 2001, *Member, Board of Directors*, May, 1998-2001.

*General Counsel, Colorado MahlerFest*, Boulder, Colorado, 1996-present (general counsel to organization devoted to promoting and preserving the works of composer Gustav Mahler).

*Auroville Town Development Council – Counsel by Special Invitation*. Advice and assistance rendered to Auroville by special invitation, January 2011 - present. Services related to creating building codes, building applications processes, and town planning. Sojourn at Auroville, Tamil Nadu, India, January - April, 2011.

*American Inns of Court. W. Penfield Tate II American Inn of Court*, Boulder, Colorado. 1995-present. Secretary, 2001-2002 session. President, 2002-2003 session. *Federal American Inn*, Washington D.C. 1993-94.

*Pro Bono Pubblico Attorney, Colorado Lawyers for the Arts*, Denver, Colorado, 1995-present (appointments).

*Member, Entertainment, Arts & Sports Law Section, Florida Bar*, 1998-present.

## **PUBLICATIONS**

Co-Author: *A Funny Thing Happened on the Way to Closing - What Constitutes "Loan Approval"*. COLORADO REALTOR® NEWS, Part I: January 1996; Part II, March 1996.

Co-Author: *Redemption in Purgatory - Who Can Satisfy Junior Liens to Thwart Redemption Rights?*. THE COLORADO LAWYER, June 1998.

## **LANGUAGES**

English; Italian.

## **OTHER INTERESTS/AFFILIATIONS**

*Member, Tango Colorado*. Member of local organization dedicated to promoting Argentine tango in Colorado.

*Member, Gas Turbine Builders Association*. Member of organization of amateur machinists and engineers building small gas turbines.

*Member, Soaring Society of Boulder*. Member of local organization of sailplane and soaring enthusiasts.

*Member, Jensen-Healey Preservation Society*. Member of organization dedicated to the restoration and preservation of the Jensen-Healey British roadster, produced in the U.K. from 1972-1975. Currently restoring 1974 Jensen-Healey.

*General Activities*: Yoga; soaring; walking; hiking; mountaineering; reading; amateur machinist/metalcasting activities; travel.