



Keith Tooley

Shareholder

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Licensed in Colorado

Overview

Keith is ranked among the top trial lawyers in the state of Colorado. He brings more than three decades of experience handling scores of trials in some of the state's most high-profile matters across the business and personal spectrum. He specializes in civil trials and appeals, including state and federal jury trials.

These trials include claims for breach of contract, complex commercial claims, oil & gas disputes, and trials involving business torts, mineral rights, timber rights, real property issues, and related matters.

Experience & Results

Oil & Gas Cases

- Whiting Oil & Gas Corporation, f/k/a Equity Oil Company v. Atlantic Richfield Company, Colorado Supreme Court, Case No. 2014CO16, 320 P3d 1179 (Colo. 2014). Successful trial judgment to enforce the exercise of an option to repurchase oil shale properties in the Piceance Basin. Affirmed in client's favor.
- Chevron USA Inc. v. Berry Petroleum Company, United States District Court, District of Colorado, Case No. 10-CV-02227 RPM (August, 2012). Judgment on Jury Verdict in favor of plaintiff client in the amount of \$6.4 Million for unauthorized deductions taken from payments due under oil and gas leases.
- Whiting Oil and Gas Corporation v Aledo Energy Services, et al, U.S. District Court, District of North Dakota, Case No. 4:15-cv-20. Summary Judgment (October, 2016) in favor of client on declaratory judgment claim and dismissal of opponents' \$12.5 million damages claim.
- 2017 Confidential arbitration award (three-member arbitration panel) in Denver, Colorado in favor of client and rejecting \$2.5 million damages claim for costs incurred for natural gas pipeline and midstream infrastructure project.

Experience & Results (cont'd)

- G. Todd McCormick v. Union Pacific Resources Company, et al, 14 P.3d 346 (Colo. 2000). This case established the Colorado legal principle that a deed reservation of “minerals” includes oil and gas.
- Kerogen Oil Co, LLC v Martha Lou Anderson, et al, Case No. 2015 cv 32649, Denver District Court. Successful interpleader action regarding (2016) disputed funds and real property interests.
- West Hawk Development Corp., et al v. Encana Oil & Gas (USA) Inc., Case number 2008CV10343. Directed verdict (2009) in Jury trial in favor of defense client; attorneys’ fees awarded to client.
- Textana, Inc., et al v. Klabzuba Oil and Gas, 353 Mont. 442, 221 P.3d 580 (2009). Judgment in favor of defense client; Jury awarded client \$1.4 million on counterclaim. Jury verdict affirmed. Remainder of claims settled on remand.
- Klabzuba Oil and Gas, et al v. Textana, Inc., et al, Case Nos. DV-98-051 and DV-98-137, Montana Twelfth Judicial District, Hill County, Montana. Trial judgment granted a constructive trust in favor of client on oil and gas leases over an area covering 200 sections of land, awarded disgorgement of profits to client, plus damages and other relief. Affirmed by the Montana Supreme Court, 316 Mont. 532, 77 P.3d 551 (2003).
- Colorado Oil & Gas Association, Evergreen Resources, Inc., et al v. Board of County Commissioners of Las Animas County, Civil Action No. 01-M-1239, United States District Court for the District of Colorado, Judge Matsch. Case resulted in repeal of excessive regulations by the County, case was then dismissed.
- McGreevy v. Montana Power Company, Pan Canadian Petroleum, et al, 320 Fed. Appx. 775 (CA 9, 2009). Class Action suit against energy corporations, client successfully dismissed from suit.
- Encana Oil & Gas (USA) Inc. v. Entech LLC, et al, United States District Court, District of Montana, Case No. CV-03-16-BU-SHE, D. Mont. 2003, 2; 03CV00016, Declaratory judgment action on major acquisition favorably resolved.
- John E. Akin v. Black Resources, Inc. v. Jack J. Grynberg, et al, Colorado Court of Appeals, Case No. 98CA2600. Following Colorado Court Appeal’s reversal of judgment, trial court entered amended judgment in favor of client allowing additional year to commence marketing of natural gas from subject lease.
- Evergreen Resources, Inc. v. Chandler & Associates, et al, Case No. 99-CV-2793, District Court, Las Animas County, Judge Appel. Breach of preferential right to purchase favorably settled.
- Chevron v. Merit Energy Partners and BP Amoco Corporation, Civil Action No. 00-S-2500, United States District Court, District of Colorado, Judge Sparr. Defense of claims regarding preferential right to purchase. Case favorably settled.
- Rogers v. Westerman Farm Co, 986 P.2d 967 (Colo. App. 1998), reversed and remanded 29 P.3d 887 (Colo. 2001). Defended royalty underpayment claims involving 223 natural gas wells in Yuma County, Colorado. After favorable Jury verdict, Colorado Court of Appeals affirmed decision, Colorado Supreme Court reversed and remanded for a new trial, case then favorably settled.

Experience & Results (cont'd)

- Gerrity Oil & Gas Corporation v. Amoco Production Company, Case No. 95CV4548, Denver District Court, Judge Martinez. Summary Judgment entered in favor of client in dispute regarding long-term contract for natural gas processing and gathering.
- Keller Cattle Company, et al v. JW Operating Company, Howard G. Westerman, Loyal P. Miller, et al, Case No. 95CV23, District Court, Yuma County, Colorado, Judge Weatherby. Natural royalty dispute favorably settled.
- Petrogulf v. Arco Oil and Gas Co, 92 F. Supp. 2d 1111 (D. Colo. 2000). Dispute over drainage in southern Ute Indian Reservation.
- San Juan Basin Consortium Ltd. v. EnerVest San Juan Acquisition Ltd. Partnership, 67 F. Supp. 2d 1213 (D. Colo. 1999). Case involved Section 29 tax credits in determining reversionary back-in interests in oil & gas properties. Favorably settled.
- Allen Burghart, et al v. Gerrity Oil & Gas Corporation, Union Pacific Railroad Company, Kaiser Francis Oil Corporation, et al, Case No. 96CV81, Denver District Court, Judge Bayless. Oil and gas royalty dispute resulted in stipulated judgment in favor of UPRC and Kaiser-Francis.
- Walter Stonehocker v. Absoraka Investment, Inc., Basin Exploration, Inc. and Byron Oil Industries, et al, Case No. 90CV1500, District Court, Adams County, Colorado, Judge Popovich. Trial judgment entered in favor of clients in mineral title dispute.
- Intoil Inc. v. Exxon Corporation, Forcenergy Gas Exploration, Inc., Apache Corporation, et al, Case No. 93CV4915, Denver District Court, Judge Phillips. Natural gas balancing dispute. Case favorably settled after jury selection.
- Vessels Oil & Gas v. Gerrity Oil & Gas Corporation, Case No. 93CV1380, Denver District Court, Judge McMullen. Long term natural gas processing and gathering dispute. Case favorably settled.
- Amealia Oxley v. Vessels Oil & Gas Company, Case No. 95CV0173, District Court, Adams County, Colorado, Judge Obermeyer. Surface use and reclamation dispute favorably settled.
- Eccles Land & Livestock Company v. Vessels Oil & Gas Company, Case No. 71420, District Court, Natrona County, Wyoming, Judge Spancier. Lease termination and surface use dispute favorably settled.
- Kris Moquin v. Vessels Oil & Gas Company, District Court, Gunnison County, Colorado, Judge Ossola. Contract and surface issues dispute. Case dismissed with prejudice in favor of client.
- George Temple v. Forcenergy Gas Exploration, Inc., Case No. 93CV79, District Court, Prowers County, Colorado, Judge Arends. Oil and gas lease termination dispute favorably settled.

Mining Cases

- Union Pacific Land Resources Corporation v. Diamond Company, NL, et al, Case No. 97-S-129, United States District Court, District of Colorado, Judge Sparr. Case involved mineral trespass and conversion of diamonds from Colo./Wyoming State Line diamond area. Case favorably settled.

Experience & Results (cont'd)

- Ranchers Energy Corporation, et al v. Marigold Land Company, Fort Union, Ltd (and Drummond Company), et al, Case No. 19386, Campbell County, Wyoming, Judge Price. Complex coal royalty and contract dispute. Case settled on sale of coal mine to third party.
- J. Greg Faith v. Colorado Yule Marble Company, Case No. 07CV60, District Court, Gunnison County, Colorado, Judge Patrick. Summary Judgment entered in favor of client in case brought to recover royalties owed to former quarry owner client on marble production.
- Bruce Welling v. Sunnyside Gold Corporation, et al, United States District Court, District of Utah. Former mine manager sued gold mining company; case Dismissed with prejudice in favor of client.
- William Boberg v. Western Mining Corporation (Liberia), et al, United States District Court, District of Colorado, Judge Weinshienk. Contract dispute regarding African gold mine and interpleader issues favorably settled.

Timber Cases

- Jaroso Creek Ranch v. United States Forest Industries, et al, Civil Action No. 98-S-2491, United States District Court, District of Colorado, Judge Sparr. Successfully obtained injunction for owner of 29,000 acre ranch enjoining excessive logging by logging company. Case then favorably settled.
- Western Properties Investors, LLC v. Southwest Mountain Resources, LLC, Case No. 99CV8353, District Court, City and County of Denver, Colorado, Judge Rivera. Successfully obtained injunction for owner of 53,000 acre ranch enjoining excessive logging by logging company. Case then favorably settled.
- David McDonald v. Encana Oil and Gas (USA) Inc., et al, Case No. 04CV52. Jury verdict in favor of defendant client on forest fire claims.

Employment Cases

- Barbara Wimmer v. City of Aurora, Civil Action No. 96-N-1547, United States District Court, District of Colorado, Judge Nottingham, Civil Action No. 96-N-1547. Two week Jury trial resulted in a verdict of approximately \$1 million on behalf of client, a female police officer.
- Valerie Martinez v. Pitney Bowes, Inc., Case No. 93CV1312, United States District Court, District of Colorado, Judge Carrigan. Summary Judgment entered in favor of defendant client on all claims of gender, race and disability discrimination.
- Pitney Bowes, Inc. v. Alexander Tallentire, Jr., Case No. 93CV2359, Denver District Court, Judge McMullen. Trial Judgment entered in favor of client for approximately \$1 million in Civil action for embezzlement of funds by former employee.
- Francia Escobar v. Joslins Dry Goods Company, Case No. 97N274, United States District Court, District of Colorado, Judge Nottingham. Employment discrimination claim (gender, age, race, disability). Case favorably settled for client.

Experience & Results (cont'd)

- Rick L. Judson v. The Joslins Dry Good Company, Case No. 96-P-803, United States District Court, District of Colorado, Judge Babcock. Disabled access claim favorably settled.

Other

- William B. Marcus v. Carol Ann Braxton, District Court, Eagle County, Colorado, Case No. 2011CV892 (2013). Obtained judgment in favor of plaintiff client in the amount of \$879,436.44 in trial to the court (Judge Gannett) regarding rental vacation properties in Vail and Minturn, Colorado. Defendant appealed to Colorado Court of Appeals (Case No. 2015CA190) where case settled.
- Cecil Runge v. Suranjeth Gunasekara, United States District Court, District of New Mexico, Bankruptcy Court adversary proceeding, Judge Rose. Trial Judgment in excess of \$1 million entered in favor of client and held not dischargeable in defendant's bankruptcy. Case included battery, fraud and conversion of funds.
- Cherry Creek Card & Party Shop v. Hallmark Marketing Corporation, 176 F. Supp. 2d 1091, United States District Court, District of Colorado, Judge Babcock. Successful decision for client on arbitration issue.
- Coors Brewing Company v. Dumex Corporation, et al, D. Colo., Sept. 5, 2000, 1:00CV01752, Judge Matsch. Dismissal in favor of client.
- Crested Butte of Colorado, Ltd. v. Young, 96CV1661, Denver District Court, Judge Caughlin. Partnership dispute favorably settled.
- Federal Election Commission v. Colorado Republican Federal Campaign Committee, Maria Cino and John Heubesch, et al, Case No. 89-N-1159, United States District Court, District of Colorado, Judge Nottingham. Co-Counsel in lawsuit involving campaign fund-raising investigation by Department of Justice, favorably resolved.

Notable Pro Bono Work

- Columbine Shooting. Represented high school student shot in the Columbine High School tragedy, including insurance proceeds mediation.
- People v. Kobe Bryant, District Court, Eagle County, Colorado, Judge Ruckriegle. Represented key witness in evidentiary disputes in high-profile criminal case.
- The Rev. Leon H. Kelly, Jr. and Open Door Youth Gang Alternatives. Provided legal representation to Rev. Leon Kelly, Jr., a leading figure in the efforts to reduce youth gang activity and violence in Denver.
- Boulder Food Rescue. Counsel to non-profit entities dedicated to rescuing otherwise wasted food to supply those in need.

Practice Areas

- Civil Trials and Appeals
- Natural Resources Law
- Oil & Gas Litigation
- Real Property Litigation

Practice Areas (cont'd)

- Renewable & Alternative Energy
- Complex Commercial Litigation
- Eminent Domain
- Appeals
- Mediation & Arbitration
- Employment
- Trial
- Mining

Honors & Insights

- Selected for inclusion in *The Best Lawyers in America*® in the fields of Natural Resources Law, 2009–2019, 2021–2027; Commercial Litigation, 2019, 2021–2027; and Energy Law and Oil & Gas Law, 2026–2027
- Listed by Lawdragon as one of the “500 Leading U.S. Energy Lawyers” in 2023
- Named by *Business Today*® as a Top 10 Influential Colorado Energy & Natural Resources Lawyer in 2023
- Ranked by Chambers USA in the practice area of Natural Resources & Environment, 2016–2018 and Energy & Natural Resources, 2019–2025
- Named to “Named Who's Who in Energy” by the Denver Business Journal, 2018
- AV rated by Martindale Hubbell
- Top Lawyers, Civil Litigation, 5280 - The Denver Magazine, 2015–2017
- Selected to *Colorado Super Lawyers*, 2007–2025
- Selected for the *Colorado Super Lawyers* Corporate Counsel Edition
- Selected Fellow of the Litigation Counsel of America's Trial Lawyer Honorary Society
- Recipient, University of Colorado School of Law, William O. DeSouchet Award, best trial advocacy
- Lecturer, various continuing legal education seminars.

Education

- J.D., University of Colorado School of Law, 1986 – Class President
- B.A., University of Colorado at Boulder, double major, 1982 – Phi Beta Kappa

Bar Admissions/Qualifications

- Colorado, 1986
- U.S. District Court, District of Colorado, 1986
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Federal Claims
- U.S. Supreme Court
- U.S. District Court, District of North Dakota, 2014

Professional & Community Involvement

- American Bar Association
- Colorado Bar Association
- Denver Bar Association
- American Association of Justice
- Colorado Trial Lawyers Association
- Law Alumni Board of Directors of the University of Colorado Law School
- Past Chairman, Open Door Youth Gang Alternatives
- Past Advisory Committee Member, The Denver Foundation
- Board Member, Dale Tooley Laboratory Committee, of The Eleanor Roosevelt Institute and University of Denver
- Chair, 25th Reunion, University of Colorado School of Law, Class of 1986