

TIMOTHY M. RASTELLO

Trial Practice

Dispute Resolution Consultant

Intellectual Property Litigation

Commercial and Business Litigation

Constitutional Law Litigation

(303) 669-0784

tmrlaw1@gmail.com



Experience

Mr. Rastello is a trial specialist and owner of the Law Firm of Timothy Rastello, LLC since 2014. Mr. Rastello was a partner with the national law firm of Holland & Hart where he practiced as a trial lawyer for 32 years. Mr. Rastello's 38 years of trial experience includes intellectual property, unlawful trade practices, commercial, business fraud, civil rights, real estate, professional liability and energy-related cases. Mr. Rastello has substantial litigation experience in trade secrets, misappropriation of business values, Civil Rights Act, and Colorado Consumer Protection Act cases. He is also a Certified Public Accountant.

In 2010, Mr. Rastello was named a finalist for the Case of the Year by the Colorado Trial Lawyers Association. In 2009 Mr. Rastello was named as one of the "Trial Lawyers of the Year" by Colorado Law Week. He was selected as a finalist for the Trial Lawyer of the Year Award from the Trial Lawyers for Public Justice Foundation in 1991 for his role in the City of Torrance case. He was also named as a *Colorado Super Lawyers* in nearly every year between 2006 and 2018 by Denver Magazine.

Mr Rastello obtained the largest reported jury verdict in Colorado for deceptive trade practices and misappropriation of business values and two of the three largest settlements against the City and County of Denver in civil rights/police misconduct cases.

Relevant Representation

Sample litigation matters handled by Mr. Rastello:

Moreland & Manoogian LLC v. Cedar Street Ventures LLC, Civil Action Nos. 2006-CV-9897 (consolidated) (Denver County Colo. District Court) (2008) (obtained equitable relief for client on high-end real estate development plus attorneys' fee award of \$1.2 million)

Strawberry Park at Beaver Creek Owners Assoc., et al v. Bachelor Gulch Metro. Dist., (Civil Action No. 06-CV-350, Eagle County, Colo.) (2007) (Obtained permanent injunctive relief barring unconstitutional conduct and attorneys' fee award of \$575,000 under Civil Rights Act)

EJS Properties v. City Of Toledo, 522 F.Supp 2d 936 (N.D. Ohio 2007) (Section 1983 action against City for pattern of corruption)

Delew v. NHP et al., 293 Fed. Appx. 504 (9th Cir. 2008) and 143 F.3d 1219 (9th Cir. 1998)(lead counsel in ground-breaking federal civil rights action resulting in \$3.5 million settlements plus \$2.75 million attorneys' fees)

Childs v. City & County of Denver Police Department (2004) (counsel for family of 15-year old developmentally disabled child slain by Denver Police Officer. Settled case for \$1,325,000 without having to file suit.)

Colleen K. Williams v. City and County of Denver, et al. Civil Action No. 90-N-1176 *see Williams v. City & County of Denver*, 99 F.3d 1009, 1014-17 (10th Cir. 1996), *vacated and remanded for further proceedings*, 153 F.3d 730 (1998)(lead trial and appellate counsel in federal civil rights action resulting in \$2.25 million jury verdict plus \$1.7 million attorneys' fees).

Hixson v. Lexton-Ancira Real Estate Fund Limited, 809 P.2d 1016 (Colo. App. 1990), *aff'd*, 826 P.2d 819 (Colo. 1992) (lead trial and appellate counsel in trade secrets/business misappropriation case. Jury verdict of \$6 million plus \$1.2 million attorneys' fees affirmed by the Colorado Court of Appeals and the Colorado Supreme Court)

Carol v. Storm Mountain Development, LLC, et al. (2005) District Court, Routt County, Colo., Case No. 04-CV-176 and United States District Court for the District of Colorado, Civil Action No. 05-CV-1044 (successfully obtained dismissal of three civil actions against real estate developers and recovered more than \$300,000 in fees for client)

The Ranch at Steamboat Condominium Assoc. v. Sable Mgmt. Civil Action No. 03-CV-44 (Routt County, Colo. Dist. Court)(2005)(lead trial counsel for plaintiff in breach of fiduciary duty, fraud case involving 23 acres of real property on Mt. Werner. Obtained injunctive relief and conveyance of property to client)

Rivers v. North American Deed Co., et al., Civil Action No. A483701 (Clark County, Nev.)(2006) (lead trial counsel in breach of fiduciary duty/fraud case involving misappropriation of retirement funds. Recovered 100% of misappropriated monies plus attorneys' fees)

Twin Landfill Corp. v. Board of County Commissioners of Summit County, Civil Action No. 03-CV-325 (Summit County Colo., Dist. Court 2007)(lead trial counsel for plaintiff in breach of contract case resulting in recovery of \$4.1 million including attorneys' fees of \$1.4 million)

Sclafani v. Quorum3 et al., Civil Action No. 99-CV-2096 (Boulder County Colo. Dist. Court 2004)(lead trial counsel in high-tech misappropriation case resulting in a 6-1 hung jury in client's favor and subsequent favorable settlement)

Jack J. Grynberg v. K N Energy, Inc., Rocky Mountain Natural Gas Company and GASCO, Civil Action No. 92-N-2000, United States District Court for District of Colorado (co-counsel for defense in \$350 million federal antitrust action).

U.S. ex rel Biddle v. Stanford University, 147 F.3d 821 and 161 F.3d 533 (9th Cir. 1998)(lead counsel in False Claims Act case).

Coppin v. Furrh, Civil Action No. 95-CV-0294, (El Paso County Colo., Dist. Court 1998)(lead trial and appellate counsel in successful defense of \$2.6 million breach of real estate contract claim. Received attorneys' fee award of more than \$300,000).

BAND-IT, IDEX Corp. v. Gerrard & Co., (D. Colo. 1992)(J.Babcock)(lead trial counsel in successful protection of trade secrets cases).

RTC v. Deloitte & Touche, 822 F. Supp 1512 (D. Colo. 1993) and 818 F.Supp 1406 (D.Colo. 1993)(lead counsel in nationwide, class action accounting malpractice case resulting in a global nine figure settlement).

Rastello v. City of Torrance, No. B046028 (Cal. App. Sept. 24, 1991)(co-counsel in civil rights/wrongful death action. Jury verdict of \$5.9 million and attorneys' fee award of \$2.1 million under Section 1988)

Professional and Community Activities

Member, Colorado and American Trial Lawyers Associations

Member, Trial Lawyers for Public Justice

Member, Denver Bar Association

Member, Colorado Bar Association

Member, American Bar Association

Certified Public Accountant

Director, Voices For Children (1994-2000)

Founder, Director and Executive Committee,
Kids Voting Colorado (1990-2002)

Chairman, Community Service Committee (2014-present), Notre Dame Club of
Denver

Transition Team Member, Phil Weiser, Colorado Attorney General (2018)

Education

University of Notre Dame Law School (J.D., 1981)

Northern Arizona University (B.S., *magna cum laude*, 1975)