



## STEESE ♦ EVANS ♦ FRANKEL, P.C.

### Charles W. Steese

Partner

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#### Education

JD, Washington University in St. Louis, 1989, Editor, *Journal of Urban and Contemporary Law*

B. Aerospace Engineering, with Honors, Georgia Tech, 1985, Sigma Gamma Tau

#### Bar Admissions

Colorado

Arizona

**Martindale Rating: AV**

Mr. Steese, who founded the Firm in 2001, represents companies in complex commercial, intellectual property and telecommunications disputes. His engineering background equips him to handle complicated technical cases efficiently and effectively. Moreover, clients routinely praise Mr. Steese for his ability to simplify cases into manageable issues that judges and juries can comprehend.

Mr. Steese has successfully tried numerous cases to finality in courts and regulatory commissions across the United States. Mr. Steese formerly worked in-house trying cases for a Fortune 500 telecommunications company in Denver, Colorado and prior to that was with the law firm of Lewis and Roca in Phoenix, Arizona.

#### Practice

Mr. Steese has represented clients in disputes related to all facets of the telecommunications industry. These cases have included competition issues, access charge issues, entry into the long distance market, cost dockets, universal service funding, access to unbundled network elements, interconnection arbitrations and disputes concerning access to the SS7 signaling network. Mr. Steese has drafted large portions of a model interconnection agreement used as a baseline of competition throughout the telecommunications industry.

Mr. Steese has also represented clients in a myriad of cases involving copyright infringement, trade secret misappropriation, Lanham Act violations, patent infringement and unfair competition. These cases have concerned protected programs, customer lists, documentation, algorithms and fabric designs. He has unique knowledge of source code, object code and the rights and protections afforded to each. For example, Mr. Steese used the Digital Millennium Copyright Act against a party accused of circumventing an algorithm designed to prevent access to the diagnostic features of a program. Mr. Steese also has experience on how the Federal Acquisition Regulation (FAR) impacts intellectual property rights for

government contractors. Mr. Steese's technical training equips him to manage, understand and distill highly technical issues and present them convincingly to a fact finder.

Mr. Steese has also represented clients in commercial cases including contract disputes, licensing disputes, real estate disputes, antitrust claims, and claims for professional malpractice. His cases routinely involve interaction between multiple contracts and contracting parties.

Mr. Steese has tried in excess of 30 cases to finality in Arizona, Colorado, Iowa, Massachusetts, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. He has also handled numerous matters that did not proceed to trial in many other states throughout the country.

## **Recent Highlights**

### *Telecommunications*

Mr. Steese is lead trial counsel for Qwest Communications Company, LLC (now a subsidiary of CenturyLink) in a series of "traffic pumping" lawsuits in federal courts and regulatory bodies throughout the country. Each of these cases involves millions of dollars of disputed charges, and collectively the cases involve hundreds of millions of dollars. Mr. Steese has been at the forefront of this issue and tried the first such case in the country. In that case, which has been affirmed on appeal, the Iowa Utilities Board entered a decision for the Firm's client on all issues, finding that traffic pumping is an unjust and unreasonable practice and contrary to the public interest. The firm's efforts had a substantial impact on the industry, and helped lead the FCC to modify existing rules.

Mr. Steese won a 2-week jury trial in the Northern District of Iowa on a matter involving tariff charges, and the applicability of those charges to the traffic in question.

Mr. Steese won an intercarrier compensation dispute between carriers, and in the process, set telecommunications policy for the state of Montana.

### *Intellectual Property*

Mr. Steese tried a 5-week jury trial for Sun Microsystems in a significant copyright, patent, trade secret and antitrust case pending in Boston. The case settled on the eve of closing arguments.

Mr. Steese tried a 2-week bench trial for a government contractor concerning the company's rights under a defense contract, and whether the company misappropriated any trade secrets or confidential information. The lawsuit also addressed whether a former employee violated a covenant not to compete. The parties are awaiting decision.

Mr. Steese obtained a favorable settlement for a government contractor accused of copyright infringement. The settlement allowed the contractor to successfully respond to a government solicitation.

Mr. Steese regularly advises clients concerning how to protect intellectual property rights, including providing counsel about license and subcontractor agreements.

### *Commercial Cases*

Mr. Steese defended a Fortune 500 company against a \$12.9 million lawsuit alleging breach of contract and negligence. He used the plain language of the contract to dismiss one claim, and to obtain summary judgment on the other.

Mr. Steese obtained a significant monetary settlement in a massive real estate lease dispute involving tens of millions of dollars. In the process, the Firm was able to pierce a triple net lease through allegations of sham transactions and alter ego liability.

Mr. Steese successfully defended a private university in an arbitration brought by numerous former students claiming that the school had defrauded them into enrolling, and had withheld material information about the value of degrees awarded by the university. The Firm obtained summary judgment under the "bespeaks caution" doctrine - a doctrine used primarily to defend securities fraud claims - by showing that the university had disclosed all material facts.

Mr. Steese had substantial responsibility for an internal investigation of a major for-profit college that paralleled ongoing civil litigation. These efforts had a substantial impact on litigation exposure.