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## BIOGRAPHY

Bob Dace is an experienced trial lawyer with a vast amount of courtroom experience. His practice involves litigation of complex business cases, including those involving intellectual property, oil and gas, environmental issues, insurance coverage, and other technical and scientific issues. He has handled and tried cases, arbitrations and administrative proceedings in state and federal courts throughout the United States. Over the years, this has included cases involving trademarks, copyrights and other intellectual property, oil and gas, environmental, antitrust, insurance coverage issues, and other contract and general business issues. He also advises clients concerning matters involving oil and gas law, intellectual property law and insurance coverage law.

Bob regularly practices before all federal district courts in Oklahoma, including the U.S. District Court for the Western District of Oklahoma, located in Oklahoma City; the U.S. District Court for the Northern District of Oklahoma, located in Tulsa; and the U.S. District Court for the Eastern District of Oklahoma, located in Muskogee. He has also tried cases in numerous state and federal district courts around the country and handled appeals in the U.S. Supreme Court and other U.S. Courts of Appeal throughout the United States.

Prior to entering law school, where he was the editor-in-chief of the Oklahoma Law Review, Bob graduated from the United States Military Academy and served in the U.S. Army for five years. He served as a paratrooper and was qualified as an Army Ranger and senior parachutist.

His achievements have earned him inclusion in *The Best Lawyers in America* (commercial litigation, energy law, environmental litigation, intellectual property litigation, oil and gas law) and *Oklahoma Super Lawyers*, which also named him to its list of "Top 50 Oklahoma Lawyers." He is a frequent speaker and continuing legal education teacher on matters related to trial practice, intellectual property law and insurance coverage law. He has also previously served as the leader of the firm's Litigation Group.

Bob is actively involved with Oklahoma Lawyers for Children, a nonprofit organization whose purpose is to use the time, talent and resources of qualified *pro bono* lawyers and others to represent and assist children in the Juvenile Division of the Oklahoma County District Court. In 2004, Bob was presented with the organization's prestigious Mona Lambird Service to Children Award for outstanding service by a volunteer attorney.

## REPRESENTATIVE EXPERIENCE

- After an appeal to the U.S. Court of Appeals for the Seventh Circuit, obtained a declaratory judgment for a magazine distributor that an insurance company had a duty to defend the distributor in lawsuits brought after a fatal automobile accident. *Scottsdale Insurance Co. v. Subscriptions Plus, Inc.*, 299 F.3d 618 (7th Cir. 2002).
- Obtained a multi-million dollar jury verdict for a magazine publisher in a trademark and copyright case.
- Obtained a jury verdict for a major oil company following a three-week jury trial involving allegations of oilfield pollution and other environmental damage. *Nichols v. Mid-Continent Pipe Line Co.*, 933 P.2d 272 (Okla. 1996).
- Obtained a multi-million dollar award for a grocery wholesaler from an American Arbitration Association panel in Phoenix, Arizona, against plaintiffs alleging they were fraudulently induced into entering into a contract.
- After an appeal to the U.S. Court of Appeals for the Tenth Circuit, obtained a ruling that a retail seller of gasoline did not sell its products below cost in violation of the Oklahoma Unfair Sales Act. *So-Lo Oil Co. v. Total Petroleum*, 832 P.2d 14 (Okla. 1992).
- After an appeal to the U.S. Court of Appeals for the Tenth Circuit, obtained a summary judgment for a life insurance company in a case alleging bad faith breach of an insurance contract. *Wilson v. Massachusetts Indemnity and Life Insurance Co.*, 920 F.2d 1548 (10th Cir. 1990).
- After a trial and an appeal to the U.S. Supreme Court, obtained a judgment for an employer against an employee alleging violation of Title VII and state law tort claims. *Tatum v. Philip Morris Inc.*, 809 F. Supp. 1452 (W.D. Okla. 1992), *aff'd* 16 F.3d 417 (10th Cir. 1993).
- After an appeal to the U.S. Supreme Court, successfully defended the owner of a grocery store against claims by lessees in a shopping center for antitrust violations, tortious interference with contract, and *prima facie* tort for the grocery store owner exercising its rights under a shopping center lease.
- Successfully defended a major oil company in a trial in which plaintiff sought cancellation of an oil and gas lease for cessation of production.
- Successfully defended a major oil company in a trial in which plaintiff sought cancellation of an oil and gas lease for failure to pay delay rentals.
- Successfully defended a major retailer in a jury trial in which plaintiff alleged personal injury at the retail store due to the negligence of the retailer.
- Successfully represented major oil companies in several class action lawsuits alleging underpayment of royalties to mineral owners.
- Successfully represented a major oil company in class action lawsuit alleging improper pricing of gasoline.
- Successfully represented major insurance companies in several bad faith insurance cases.
- Successfully represented a city in an environmental citizen suit brought pursuant to the Resource Conservation and Recovery Act (RCRA).
- Successfully represented a manufacturer in environmental citizen suit brought pursuant to the Clean Air Act.
- Successfully represented a mortgage company in class action lawsuit alleging improper payments from escrow funds.

- Obtained multiple awards for a wholesale food company in several American Arbitration Association arbitrations relating to breach of contracts by grocery store owners.
- Successfully represented major gasoline retailers in cases involving alleged unfair pricing in the sale of gasoline.
- Successfully represented oil and gas operators in cases involving breach of gas contracts, gas balancing agreements and farmout agreements.
- Successfully represented drilling contractors in cases alleging breach of warranty and negligence.
- Successfully represented clients in products liability cases involving oil and gas equipment, pharmaceuticals and concrete.
- Successfully represented motion picture distributor in contract disputes.
- Successfully represented individuals and businesses in insurance coverage disputes.
- Successfully represented major manufacturer of computer software in series of trade secret cases.
- Successfully represented international food distributors, software manufacturers, clothing retailers, finance companies, advertising companies, solar energy companies, and other manufacturers and retailers in trademark and trade dress cases.
- Successfully represented companies in copyright cases.
- Obtained judgment for franchisor after trial in case against franchisee for breach of a franchise agreement.
- Successfully defended pharmaceutical company in several product liability cases.
- Successfully defended clients in patent litigation involving dental equipment, electronic products and automobile products.
- Obtained a jury verdict for a manufacturer of a lawn mower in a products liability case.
- Successfully represented companies in cases alleging antitrust violation.
- After an appeal to the U.S. Court of Appeals for the Tenth Circuit, obtained the dismissal of defendants because the court lacked jurisdiction over the defendants. *Federal Deposit Insurance Corp. v. Oaklawn Apartments*, 959 F.2d 170 (10th Cir. 1992).
- Successfully represented oil and gas working interest owners in cases involving breach of the operating agreement.
- Successfully represented oil and gas producers in cases in which the plaintiff claimed damages in connection with oil and gas wells that were allegedly improperly drilled.
- Successfully represented oil and gas producers in cases in which the plaintiff claimed drainage from oil and gas wells.
- Successfully represented oil and gas producers in cases in which the plaintiff claimed breach of oil and gas leases and the implied covenants in oil and gas leases.
- Successfully represented clients in environmental cases involving claims related to chemicals, oil and gas operations, and of alleged toxic tort.
- Successfully represented client in case involving damages caused by fire.
- Successfully represented clients in negligence cases filed throughout the country.
- Successfully represented clients in employment disputes.
- Successfully represented clients in administrative hearings relating to cotton gins, electrical power, environmental issues, water, and oil and gas.

## ADMISSIONS

- Oklahoma, 1983
- U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma
- U.S. District Courts for the Western and Eastern Districts of Arkansas
- U.S. District Court for the Central District of Illinois
- U.S. District Courts for the Southern and Western Districts of Texas
- U.S. District Court for the Western District of Wisconsin
- U.S. Courts of Appeals for the Seventh, Eighth and Tenth Circuits
- U.S. Tax Court
- U.S. Supreme Court

## EDUCATION

- J.D., University of Oklahoma, 1983; Editor-in-Chief, *Oklahoma Law Review*
- B.S., U.S. Military Academy, West Point, 1975 (Economics)

## PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Oklahoma County Bar Association
- Oklahoma Bar Association
- American Bar Association
- Robert J. Turner American Inn of Court (Master of the Bench; President, 2004-2005)
- Mineral Lawyers Society of Oklahoma City (President, 2010-2011)

## CIVIC INVOLVEMENT AND LEADERSHIP

- Oklahoma Lawyers for Children
- Legal Aid Services of Oklahoma