

Robert W. Dace

Of Counsel

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Overview

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, business disputes, insurance law, and other cases involving 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 patents, 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, environmental law, and insurance law. In the foodservice industry, he has advised national corporations in the foodservice industry on compliance with federal food-labeling requirements and avoidance of state-law false-advertising claims, and has counseled and defended clients who have been targeted by class-action plaintiffs challenging the clients' use of descriptive terms on product labels.

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.

Admissions

Oklahoma, 1983

Texas, 2017

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 Court for the District of North Dakota

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. (Economics), U.S. Military Academy,
West Point, 1975

Bob's achievements have earned him inclusion in *Chambers USA Guide to America's Leading Lawyers for Business*, *The Best Lawyers in America* (commercial litigation; energy law; environmental litigation; intellectual property litigation; mass tort litigation/class actions - defendants; oil and gas law), and *Oklahoma Super Lawyers*, which also named him to its list of "Top 50 Oklahoma Lawyers." He was selected by *Best Lawyers* as the "Oklahoma City Energy Lawyer of the Year" for 2013, "Oklahoma City Mass Tort Litigation/Class Actions Defense Lawyer of the Year" for 2018, and "Oklahoma City Environmental Litigation Lawyer of the Year" for 2020, honors only given to a single lawyer in each legal specialty in each community. He also previously served as the leader of the firm's Litigation Group.

In addition to his litigation practice, 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

- Obtained favorable settlement for manufacturer of screens used in the oil and gas industry in a patent and trademark infringement and false advertising case in the Northern District of Oklahoma.
- After beginning a jury trial in the Western District of Oklahoma, obtained favorable settlement for international distributor of food products in unfair competition and trademark infringement case.
- After non-jury trial in the Western District of Oklahoma, obtained judgment for franchisor in case involving breach of franchise agreement.
- Advised clients on cybersecurity issues and litigation strategies related to cybersecurity.
- Obtained favorable settlement for manufacturer of dental equipment in patent litigation case in Northern District of Oklahoma.
- Obtained favorable settlement for manufacturer of automotive equipment in patent litigation case in Western District of Oklahoma.
- Obtained favorable settlement for temporary employment company in case in Mississippi State Court alleging violations of workplace laws.

Professional Organizations and Memberships

Oklahoma County Bar Association

Oklahoma Bar Association

State Bar of Texas

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

Heritage Hall School (Trustee)

Legal Aid Services of Oklahoma

Oklahoma Department of Libraries
Board

Oklahoma Lawyers for Children

- After successfully defending a preliminary injunction hearing in Western District of Oklahoma, obtained favorable settlement for franchisee in case alleging breach of franchise agreement, theft of trade secrets and confidential information, and trade dress, trademark, and copyright infringement.
- After successful appeal to the Seventh Circuit, obtained favorable settlement for computer software company in trademark infringement case in *Western District of Wisconsin. Bd. Of Regents of Univ. of Wisc. v. Phoenix Int'l Software, Inc.*, 653 F.3d 448 (7th Cir. 2011).
- Obtained favorable settlement for numerous property owners in cases involving environmental contamination caused by dry cleaning operations brought under the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response Compensation and Liability Act (CERCLA).
- After successful appeal to the Seventh Circuit, obtained a declaratory judgment in the Western District of Wisconsin 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 judgment in excess of a million dollars after obtaining a jury verdict for a magazine publisher in a trademark and copyright case in the Western District of Oklahoma.
- Obtained a favorable jury verdict for oil company following three-week jury trial involving allegations of oilfield pollution and other environmental damage in *Woodward County, Oklahoma. Nichols v. Mid-Continent Pipe Line Co.*, 933 P.2d 272 (Okla. 1996).
- Obtained a multimillion-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 a successful appeals to the Tenth Circuit and the Oklahoma Supreme Court, obtained a ruling from the Western District of Oklahoma 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).
- Obtained favorable settlement for oil company in a case in District of North Dakota involving contracts to buy and transport oil.
- After an appeal to 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).
- Obtained a judgment for an employer against an employee alleging violation of Title VII and state law tort claims after non-jury trial in Western District of Oklahoma. *Tatum v. Philip Morris Inc.*, 809 F. Supp. 1452 (W.D. Okla. 1992), aff'd 16 F.3d 417 (10th Cir. 1993).
- Obtained summary judgment from the Western District of Missouri for 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.
- After non-jury trial in Caddo County, Oklahoma, obtained judgment for an oil company in case in which plaintiff sought cancellation of an oil and gas lease for cessation of production.
- After non-jury trial in Latimer County, Oklahoma, obtained judgment for oil company in case in which plaintiff sought cancellation of an oil and gas lease for failure to pay delay rentals.
- Obtained a favorable jury verdict for retailer in a jury trial in Oklahoma County, Oklahoma, in case in which plaintiff alleged personal injury at the retail store due to the negligence of the retailer.
- Obtained favorable settlements for oil companies in class action lawsuits alleging underpayment of royalties to mineral owners.

- Obtained favorable settlement for oil company in class action lawsuit alleging improper pricing of gasoline.
- Obtained favorable settlements for insurance companies in bad faith insurance cases, coverage disputes, regulatory matters, and contract disputes.
- Obtained favorable settlement for city in environmental citizen suit brought pursuant to the Resource Conservation and Recovery Act (RCRA) in Western District of Oklahoma.
- Obtained favorable settlement for manufacturer in environmental citizen suit brought pursuant to the Clean Air Act in Western District of Arkansas.
- Obtained successful resolution for mortgage company in class action lawsuit in Marshall County, Oklahoma, alleging improper payments from escrow funds.
- Obtained multiple awards for a wholesale food company in several American Arbitration Association arbitrations in Oklahoma, Arizona and Florida relating to breach of contracts by grocery store owners.
- Obtained favorable settlements for oil and gas operators and working interest owners in cases involving breach of gas contracts, gas balancing agreements, farmout agreements, breach of oil and gas leases, drainage, breach of implied covenants, and contractual claims.
- Obtained favorable settlement for drilling contractor in case alleging breach of warranty and negligence in Oklahoma County, Oklahoma.
- Obtained jury verdict for a manufacturer of a lawn mower in a products liability case in Western District of Oklahoma.
- After an appeal to the Tenth Circuit, obtained the dismissal of defendants in Western District of Oklahoma. *Federal Deposit Insurance Corp. v. Oaklawn Apartments*, 959 F.2d 170 (10th Cir. 1992).
- Obtained favorable settlement for temporary employment company in case in Philadelphia, Pennsylvania, involving damages caused by fire.
- Obtained successful resolutions for clients in administrative hearings in Oklahoma relating to insurance, cotton gins, electrical power, environmental issues, water, employment, and oil and gas.
- Counseling and defending large national food manufacturer in dispute challenging use of the term “natural” on food product labels.

Honors and Awards

- Listed in the *Chambers USA Guide to America’s Leading Lawyers for Business*
- Selected by peers for inclusion in *The Best Lawyers in America* (commercial litigation; energy law; environmental litigation; intellectual property litigation; mass tort litigation/class actions - defendants; oil and gas law)
- Named “Oklahoma City Energy Lawyer of the Year” for 2013, “Oklahoma City Mass Tort Litigation/Class Actions Defense Lawyer of the Year” for 2018, and “Oklahoma City Environmental Litigation Lawyer of the Year” for 2020 by *The Best Lawyers in America*
- Listed in *Oklahoma Super Lawyers*
- Named to *Oklahoma Super Lawyers’* list of “Top 50 Lawyers”
- Rated AV Preeminent by Martindale-Hubbell Peer Review Ratings
- Honored with Oklahoma Lawyers for Children’s prestigious Mona Lambird Service Award for outstanding service by a volunteer attorney (2004)