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## EXPERTISE

Litigation & Trial, Commercial Litigation, Securities Litigation, Construction & Real Estate Litigation

## EDUCATION

University of Notre Dame Law School, J.D., *cum laude*, 1991

Washington University in St. Louis, B.S., 1988

## ADMITTED IN

Colorado and North Dakota

For more than 25 years, Jon Bergman has represented a variety of clients in complex commercial disputes in bench or jury trials and in arbitrations. Mr. Bergman's clients include numerous Fortune 500 companies, and he has achieved multi-million dollar awards or settlements for many of his clients.

For natural resource companies, Mr. Bergman has taken the leading role in the defense of companies facing claims from individual property owners for property torts (e.g., trespass, nuisance, negligence, etc.) based on alleged releases of asbestos, hydrocarbons, and other substances. For operators and working interest owners, Mr. Bergman has litigated a variety of royalty disputes, water well interference claims, surface use conflicts, alleged breaches of the implied covenant of exploration and development, and other disputes arising out of JOAs, AFEs, assignments, indemnities, and other contracts. For mining clients, Mr. Bergman has litigated disputes involving exploration agreements, mining plans, and the adequacy of bankable feasibility studies.

Mr. Bergman also represents construction clients facing or pursuing breach of contract claims, including loss of productivity and out-of-sequence work, mechanic's lien claims, and construction defect claims. Mr. Bergman has successfully tried construction cases to arbitration panels and litigated construction disputes in state courts relating to power generating facilities, ethanol plants, mining processing facilities, and industrial plants. The types of

disputes in this arena include breaches of professional and contract duties.

In addition, Mr. Bergman advises clients and litigates disputes concerning corporate governance issues arising under the laws of Delaware, Colorado, and other states. He has litigated disputes between majority and minority shareholders relating to fiduciary duties, access to information, derivative claims, and other corporate obligations. In this context, Mr. Bergman has substantial experience in litigating disputes regarding indemnities and representations and warranties in asset and stock purchase agreements. In addition, Mr. Bergman has represented officers and directors facing claims arising under the federal and state securities laws, including Section 10(b) of the Securities Exchange Act of 1934, Rule 10b-5 and Section 11 of the Securities Act of 1933, and FRCP 23.1 or state analog, which govern derivative actions.

Mr. Bergman is the author of the chapter on express and implied warranties in *The Practitioners Guide to Colorado Construction Law*, (Continuing Legal Education in Colorado, Inc., 2011).

Mr. Bergman is a member of the American Bar Association (Litigation and Construction Sections) and the Denver Bar Association. He has been selected for inclusion in *Colorado Super Lawyers* since 2006 and has been named in *The Best Lawyers in America* by Woodward/White for Commercial Litigation and Litigation – Construction. Mr. Bergman serves on the Board of Directors for the Mile High Chapter of the Red Cross.