

## MARK E. HAYNES

### Attorney at Law

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#### Biography

Mr. Haynes engages in an active litigation practice defending professionals and businesses, such as accountants, lawyers, contractors, companies and their directors and officers, members and shareholders of privately held businesses and aviators, in all aspects of commercial litigation including antitrust, contract, partnership, intellectual property, ERISA, securities and employment law litigation. He has particular expertise in the defense of accountants and lawyers and the unique factual and legal issues those cases often present. Further, Mr. Haynes has successfully litigated complex product liability cases including toxic tort matters. He is a past program chairman for the ABA Section of Litigation's special projects group.

Mr. Haynes serves as pro bono counsel and as a board member for Friends of Patan Hospital (USA), Inc., an organization that supports the work of Patan Hospital in Nepal. He helps the group with obtaining and maintaining 501(c)(3) status, corporate matters and regulatory filings.

He received a B.A. with honors from the University of Wyoming and a J.D., cum laude, from the University of Michigan in 1982. He served as an officer in the U.S. Army, including a tour as tank company commander. Prior to joining Ireland Stapleton, he was with the firm of Gorsuch, Kirgis, Campbell, Walker and Grover from 1982 - 1986 and joined Morrison and Foerster in 1986, becoming a litigation partner in 1990. Mr. Haynes was with Pryor, Carney and Johnson and Pryor, Johnson, Montoya, Carney and Karr between 1993 - 2005 where he served as head of the firm's commercial litigation practice.

#### Legal Experience

- Handling major litigation for the bankruptcy trustee of a bank holding company concerning the ownership of a large tax refund vis a vis the FDIC as receiver of the failed bank.
- *Cagle v. Mathers Family Trust*, 11 SC 496. Won an appeal to the Colorado Supreme Court. The client was Martin Harper CPA, a CNA insured. Mr. Harper was sued for his role in providing accounting services to certain partnerships. The partnership agreements had forum selection clauses requiring that suit be filed in Dallas, Texas. We obtained a dismissal in the trial court that the Colorado Court of Appeals reversed. We obtained a unanimous reversal of the Court of Appeals from the Colorado Supreme Court.



#### Practice Areas

Litigation

#### Education

University of Michigan  
J.D., 1982 cum laude

University of Wyoming  
B.A., 1975  
with honors in history

#### Honors & Awards



Phi Beta Kappa, Phi Kappa Phi,  
Department Honors in History

Phi Alpha Delta Law Fraternity, Book  
Award in Conflicts of Laws

#### Admissions

Admitted to practice in Colorado

U.S. District Court for the District of  
Colorado

U.S. Court of Appeals for the Tenth  
Circuit

U.S. Supreme Court

## **Legal Experience**

- *Eagle View Development LLC v. Bondi & Co. LLC*, Civil Action No. 2008 CV 1718. Two week trial of a claim of accounting malpractice against a regional accounting firm, a CNA insured in which plaintiffs sought approximately \$2.7 million. The court entered a defense verdict on all claims.
- Represented several clients in connection with SEC subpoenas and investigations.
- Two-week trial before the District Court of Montrose County, Colorado, in a complex case concerning contracts and leases relevant to a fixed-base operator general aviation business at the Montrose Regional Airport, in opposition to Montrose County, the airport operator and a competitor. The result was mixed, but considered very favorable by the client.
- *Professional Security Alliance, Inc. v. Hanson Professional Corporation*, Case No. 02-CV-381. District Court, Adams County, Colorado. This was a two-week trial of an accounting professional negligence case defending Hanson Professional. This case was tried because plaintiff refused to negotiate within the amount of the reasonable case exposure. The damages awarded by the trial court accorded with our valuation of the case.
- District Court, City and County of Denver, Colorado. The two-day trial of suit against former employee for alleged theft of trade secrets. Case settled after trial.
- District Court of Mesa County, Colorado. One-week trial of lawsuit between two owners of a Grand Junction nursing home alleging breach of fiduciary duty and misappropriation of funds between the two of them. All claims against our client were dismissed and our client was awarded attorneys' fees.

## **Presentations & Publications**

- Contributor, "Bankruptcy Exemption Manual," *West's Bankruptcy Series*, 2018

## **Memberships**

- American Bar Association, Sections of Litigation, Business Law and Intellectual Property
- Colorado Bar Association
- Denver Bar Association