

Ryan M. Sugden

PARTNER

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Clients turn to Ryan when they need a strong advocate in their corner to resolve energy, real estate, and construction disputes.

Ryan is a trial lawyer with first-chair experience who builds strategies around his clients' goals and relentlessly and creatively pursues them. He represents businesses in energy, commercial real estate, land use, and construction disputes. His litigation experience includes obtaining multimillion-dollar jury verdicts, motions victories, and negotiating complex settlements for his clients.

Ryan is an experienced litigator of energy industry disputes. He has represented power plant owners in lawsuits concerning imprudent and negligent operations and construction defects and delays. He also has deep real estate and construction litigation experience — from helping clients obtain the permits needed to start a new development, to defending owners and contractors in construction disputes, to representing landowners after a property is developed. Ryan also represents private businesses against state and local governments when his clients have been denied their right to due process and equal protection of the law.

Clients know that Ryan has their best interests in mind not only in the courtroom, but also in managing their legal spending. Ryan is certified in Legal Project Management (LPM), and uses LPM

PRACTICES & INDUSTRIES

- Business Litigation
- Energy
- Real Estate Litigation
- Construction
- Distressed Commercial Real Estate

ADMISSIONS

- Colorado
- Minnesota
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit

EDUCATION

- Washington University in St. Louis School of Law, J.D., *magna cum laude*
- University of Wisconsin, B.A.

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tools such as Alternative Fee Arrangements and litigation budgets to make litigation costs more predictable and transparent.

Ryan also embraces pro bono service. As a co-recipient of Stinson's Pro Bono Service Award, which recognizes exceptional volunteer legal service to the community, he has donated hundreds of pro bono hours to help immigrants qualify for government assistance, nonprofit organizations retain their historic property, and to protect the constitutional rights of incarcerated individuals.

EXPERIENCE

Energy Litigation

Following a three-week jury trial, Ryan won a \$26.45 million judgment against the operator of a supercritical coal-fired power plant for imprudent and negligent operations.

Successfully litigated a multimillion construction contract dispute concerning pollution control equipment installed at a coal-fired power plant. Ryan's client prevailed at summary judgment.

Defended the owner of a newly-constructed 50 megawatt combined-cycle power generating facility in litigation concerning construction defect and delay claims, mechanic's liens and subcontractor overpayments.

On behalf of a multinational oil and gas company, Ryan prevailed at a two-day bench trial on a motion to pierce the corporate veil of a subsidiary entity to reach the assets of the parent corporation.

Real Estate and Land Use Litigation

Commercial Leasing: Ryan is experienced in all facets of commercial leasing disputes.

He represents the publicly-traded owner of 450 shopping centers across the country in leasing litigation, land use disputes and evictions in multiple states. His work has brought in lucrative settlements and other revenue for his client.

Ryan won summary judgment for a commercial landlord, getting a \$1.1 million judgment against the tenant after defeating the tenant's claim that COVID-19 excused its obligation to pay rent.

Representing a commercial tenant at a three-day trial, Ryan defeated a landlord's forcible entry and detainer claim and helped his client avoid eviction and a costly disruption to its business. Ryan's client received all of its attorneys' fees as well.

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Land Use: Ryan represents landowners and developers in the full range of land use matters, from appearing before city councils and other boards to get projects approved or to contest permit denials to negotiating easements with neighboring property owners.

On behalf of a real estate developer, Ryan obtained planning approval for a multimillion educational development in Colorado after appearing at a contested hearing.

Ryan has negotiated access and drainage easements and other land use agreements between private landowners, and between landowners and government entities.

He represented a landowner in a dispute with its HOA concerning rules prohibiting installation of solar panels in a residential community.

Ryan represented the owner of a hotel opposing municipal use and occupancy restrictions, and utilized political and public communications consultants as part of his defense strategy.

Floodplains: Ryan understands the complex regulations that govern how landowners can use and develop land in designated floodplains. Recently, he has:

Represented a landowner in a multiyear lawsuit against a municipality to challenge the city's wrongful enforcement of floodplain regulations. The landowner received more than \$1 million in a settlement and was allowed to use its property in a more valuable way.

Advised multiple commercial landowners seeking to develop land newly subject to floodplain regulations. Ryan has analyzed changes to Flood Insurance Rate Maps, assisted landowners with applications for floodplain development permits, Conditional Letters of Map Revision, and appeals before regulatory bodies.

Takings: Ryan has represented landowners in claims against local governments in inverse condemnation, takings and traditional condemnation claims. He has also published numerous articles on state and federal takings law.

Americans with Disabilities Act: Ryan has represented dozens of private businesses accused of violating the Americans with Disabilities Act (ADA) for having inaccessible brick-and-mortar businesses and websites. Ryan has an acute understanding of the ADA's requirements and the strategies required to minimize his clients' liability and legal spending.

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Construction Litigation

Ryan represents owners and contractors in construction defect, delay and mechanic's lien disputes.

Ryan defended the owner of a commercial development at a six-day trial against a contractor whose work was defective and months late. Ryan defeated the contractor's claim that the contract's liquidated damages provision was invalid, which helped offset the contractor's claims for unpaid fees.

He defended a general contractor in a multi-party lawsuit concerning the design and construction of a wastewater treatment facility. Ryan's client resolved its claims after negotiating concessions from subcontractors.

Ryan represented the owner of a new power generating station in a construction delay dispute against the Engineering, Procurement and Construction contractor. Ryan strategically used related litigation involving subcontractors to his client's benefit, resulting in a favorable settlement for his client.

He defends a national homebuilder in construction defect litigation against homeowner associations.

Government (§ 1983) Litigation

Ryan has represented numerous private businesses, developers and landowners in lawsuits against government entities for claims alleging the government denied his clients their rights to due process and equal protection. Ryan has pursued these claims under 28 U.S.C. § 1983 for a local government's interference in the sale of property, wrongful enforcement of floodplain regulations and breach of contract for the construction of an educational facility.

General Business, Insurance and Appellate Litigation

Ryan represents private businesses in claims for breach of contract, internal investigations and general business disputes.

He has represented shareholders in partnership disputes, including as first-chair counsel in a trial between business partners, in which Ryan was victorious on all claims and obtained a monetary judgment for his client.

Arguing before the Colorado Court of Appeals, Ryan pursued claims of first impression in a business shareholder dispute.

On behalf of a health insurer, Ryan defeated an ERISA claim by a plan beneficiary and persuaded both the federal district court and appellate court to deny the beneficiary's request for emergency injunctive relief.

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Ryan vigorously defended a workers' compensation insurer in a dispute concerning premium calculation and the application of discretionary schedule ratings. Ryan's client, the defendant, settled the case without paying any compensation to the plaintiff.

He represents an employer in the appeal of an action for negligence under the Texas Workers' Compensation Act.

Ryan represented an insurance broker in tax court litigation concerning the calculation and application of surplus lines insurance tax. He has also represented a private business in tax court litigation concerning a due process challenge to taxing an out-of-state business.

RECOGNITIONS

Named to the 2021-2024 *Best Lawyers in America*® "Ones to Watch" list

PROFESSIONAL & CIVIC ACTIVITIES

Impact Denver – Class of Fall 2022

NEWS

Ryan Sugden Offers Guidance for Challenging Permit Fees in *Colorado Real Estate Journal*

03.14.2024

Best Lawyers in America Recognizes 32 Stinson Attorneys as "Ones to Watch"

08.17.2023

Best Lawyers in America® Recognizes 29 Stinson Attorneys as "Ones to Watch"

08.18.2022

Sugden Selected to Denver Leadership Foundation Program

07.22.2022

Sugden Uses Recent Court Decisions to Show Why Good Contracts Matter in Construction Projects

06.16.2022

Ryan Sugden Details Stalling Colorado Floodplain Map Updates in *Colorado Real Estate Journal*

10.21.2021

Best Lawyers in America Recognizes 23 Stinson Attorneys as "Ones to Watch"

08.19.2021

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Ryan Sugden Publishes on Cedar Point Ruling in *Law360* Article

07.09.2021

Stinson Elects 10 New Partners in 2021

01.12.2021

Best Lawyers Recognizes 21 Stinson Attorneys as "Ones to Watch"

08.20.2020

SPEAKING ENGAGEMENTS

"Customers with Questionable Credit? Strategies & Tips to Mitigate Insolvency Risk," Colorado Association of Corporate Counsel Webinar, October 12, 2021

"ADA Litigation: Your Bank Is Still at Risk," Colorado Bankers Association Webinar, April 16, 2020

"33rd Annual Construction Law Update, February 2022

2024 Construction Law Update

03.05.2024

33rd Annual Construction Law Update

02.15.2022

PUBLICATIONS

"When are expensive permit fees unconstitutional?" *Colorado Real Estate Journal*, March 2024

"Justices' Cedar Point Ruling May Inspire More Takings Claims," *Law360*, July 2021

"Colo. Majority Shareholders May Face Civil Theft Liability," *Law360*, July 2019

"Private Right of Condemnation," *Law Week Colorado Vol.16 No.19*, May 2018. Also published by the *Colorado Real Estate Journal*, June 2018.

"U.S. Supreme Court Decides Critical Question in Eminent-Domain Cases," *Wisconsin Law Journal*, August 2017, *Michigan Lawyers Weekly*, September 2017 and *Midwest Real Estate News*, October 2017

Changes to Colorado's Flood Plain Maps Stall Developments, November 2021

Minnesota Applies Direct Procurement Tax to Captive Insurers, September, 2020

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Minnesota Revenue Department Issues Notice on Surplus Lines Insurance Taxation, January, 2020

Changes to Colorado's Flood Plain Maps Stall Developments

11.11.2021

Minnesota Applies Direct Procurement Tax to Captive Insurers

09.03.2020

Minnesota Revenue Department Issues Notice on Surplus Lines Insurance Taxation

01.21.2020

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