



# Caleb Durling

Partner

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Caleb is a trial lawyer who focuses his practice on complex civil and commercial litigation and appeals.

A devoted advocate for his clients, he serves as an objective counselor to individuals and businesses navigating high stakes litigation. He provides them realistic assessments about the benefits and disadvantages of strategic choices and advises them on solutions.

Skilled at identifying problems before they arise, he manages teams of lawyers and staff while coordinating strategy to the advantage of his clients. Beyond a wide range of complex commercial litigation matters, Caleb has developed particular fluency with public pension litigation, sports law, health care, and trade secret and restrictive covenant cases. He also maintains an active pro bono practice, and has worked on a landmark case for over a decade against the State of Colorado involving the rights of pretrial detainees.

Caleb is the Managing Partner of the firm's Denver office. He also serves as a member of the firm's Executive Committee.

## Services

- Litigation
- Appellate Practice
- Class Actions
- Cannabis Law
- Entertainment & Sports Law
- Trade Secrets & Restrictive Covenants

## Before Fox Rothschild

Caleb was a partner with Rollin Braswell Fisher LLC, which merged with Fox Rothschild in 2018.

He began his legal career as a law clerk for Chief Justice Mary Mullarkey of the Colorado Supreme Court. After clerking, Caleb was an associate and then partner at a national law firm headquartered in Denver.

Prior to law school, Caleb taught for two years at an inner-city Atlanta elementary school through Teach for America, before teaching an additional year at an elementary school located in a housing project near London, England

## Beyond Fox Rothschild

Caleb mentors law students and young attorneys through the Colorado Attorney Mentoring Program (CAMP) and Northwestern Law. He also volunteers as a youth sports coach.

## Bar Admissions

- Colorado
- New York

## Court Admissions

- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Southern District of New York

## Education

- Northwestern University School of Law (J.D., *with honors*, 2007)
- Northwestern University (B.A., *with honors*, 2001)

## Memberships

- American Bar Association
- Colorado Bar Association
- Denver Bar Association
- National Association of Public Pension Attorneys

## Honors & Awards

- Selected to the "Super Lawyers®" list for Business Litigation in Colorado by *Super Lawyers* (2021-2024)
- Team of the Year Award, Colorado Lawyers Committee (2017, 2019)
- GenXYZ Top 50 Young Professionals, *ColoradoBiz* (2018)
- Barrister's Best Sports Lawyer, *Law Week Colorado* (2017)
- Selected to the "Super Lawyers® Rising Stars" in Colorado by *Super Lawyers* (2013-2019)
- Special Recognition Award, Colorado Lawyers Committee (2013)
- *Law Week Colorado's* Up-and-Coming Lawyers (2012)
- AV rated by Martindale-Hubbell®

[Awards Methodology](#)

## Significant Representations

### Public Pension

- Secured a favorable resolution in 2021 for **Denver Employees Retirement Plan** in a dispute with more than 30 retirees who were inadvertently overpaid. After the plan moved to recoup the overpaid funds and adjust future benefits, the retirees filed claims of over \$20 million. Caleb defeated two temporary restraining orders and negotiated favorable settlements with all the retirees.
- Prevailed on summary judgment for the **Colorado Public Employees' Retirement Association (PERA)** against a constitutional challenge to the Colorado General Assembly's modification of retiree pension benefits when necessary to preserve the financial viability of public pension funds. As one of the first cases to address pension reform through modification of retiree benefits it has garnered nationwide attention. The Court of Appeals affirmed in part and reversed in part. The Supreme Court granted certiorari and found for PERA, reversing the Court of Appeals and reinstating the trial court's order. *Justus v. State*, 336 P.3d 202 (Colo. 2014); *Justus v. State*, 337 P.3d 1219 (Colo. App. 2012); *Justus v. State*, No. 2010-CV-1589 (Denver County, CO 2011).

- Prevailed on behalf of **PERA** on summary judgment in a \$190 million dispute with the City of Colorado Springs and Memorial Hospital Authority. In February 2014, the trial court ruled that Memorial must comply with statutory mandates to leave PERA and must pay its withdrawal liability to fund the future benefits of its retirees and employees. In October 2014, the City and Memorial Hospital agreed to settle the case by paying \$190 million to PERA.
- Represent **PERA** in a dispute involving the termination of affiliation from PERA of a district health agency with over \$50 million in dispute.
- Represent **PERA** in multiple disability denial and benefit cases in administrative proceedings and in court. This includes prevailing on behalf of **PERA** in the Colorado Court of Appeals in a benefit dispute litigation
- Provide strategic advice to other public pension plans in Colorado and other states.

## Health Care

- Assist **behavioral health centers and residential treatment centers** with dozens of children who have been abandoned at their facilities. These are complicated cases and each one is different. Caleb has had to file court proceedings, intervene in proceedings, and creatively work with key stakeholders and decisionmakers to achieve results. Cases have occurred in Colorado, Texas, New Mexico, California, Washington, Georgia, Ohio, North Carolina, Virginia, Nevada, Louisiana, and Florida.

## Sports Law

- Represented a **professional sports franchise** in proceedings before the California Workers' Compensation Appeals Board, trying a case involving insurance coverage.
- Represented a **sports league executive** in a complaint before a national governing body's specially-appointed subcommittee, securing a favorable result from the subcommittee.
- Reached a successful resolution on behalf of the **Denver Broncos Football Club** in a dispute with former players to determine whether the current owner of the Denver Broncos football franchise is responsible for cumulative trauma claims brought by players employed by a prior owner. *PDB Sports Ltd v. George Goeddeke, et al.*, No. 11-CV-8097 (Denver County, Colo. 2013).
- Prevailed on a motion to dismiss on behalf of a **professional football franchise** in a case alleging constitutional claims occurring in the stadium parking lot.

## Trade Secrets and Restrictive Covenants

- Represented a **bank** before the Wyoming Supreme Court in the first case under the Uniform Trade Secrets Act in the state.
- Successfully represented two **corporate principals** in a business dispute involving trade secrets, securing dismissal of all individual claims against his clients. The case was settled on favorable terms for Caleb's clients. *DTC Energy Grp., Inc. v. Hirschfeld et al.*, 420 F. Supp. 3d 1163 (D. Colo. 2019).
- Prevailed in the Third Circuit of Appeals for **AIG subsidiary VALIC** that affirmed a significant damages award for VALIC against a former broker for breaching his non-competition covenant. *VALIC Financial Advisors v. Gary Latuszewski*, 393 Fed. Appx. 962 (3rd Cir. 2010).

## Complex Commercial Litigation

- Served as national coordinating counsel for **Lehman Brothers**, prosecuting indemnification claims against loan originators, managing his own cases and coordinating a nationwide strategy across other law firms.
- Represented a **Colorado governmental entity** in public racketeering cases against former employees and government contractors.
- Successfully reversed class certification for a group of **automobile dealerships** in the Colorado Court of Appeals and Colorado Supreme Court. *Garcia v. Medved Chevrolet, Inc.*, 263 P.3d 92 (Colo. 2011); *Garcia v. Medved Chevrolet, Inc.*, 240 P.3d 371 (Colo. App. 2009).
- Defended an **insurance broker** against claims for more than \$100 million brought by a corporation alleging breach of contract, fraud, breach of fiduciary duty and conspiracy. The case was settled on favorable terms for Caleb's client.

## Pro Bono

- As part of an ongoing, decade-long pro bono representation of pretrial detainees in Colorado's jails who are suffering from untreated and often underdiagnosed mental health illnesses, Caleb successfully secured a summary judgment ruling. In 2018, he was part of the team that negotiated a consent decree in the same matter, including several innovative solutions to help build a streamlined, community-based mental health system. Colorado is now subject to a lengthy consent decree monitored by the federal court and overseen by court monitors. *Center for Legal Advocacy/Disability Law Colorado v. Bicha*, 2018 WL 5892669 (D. Colo. Nov. 9, 2018); 2018 WL 6620776 (D. Colo. Dec. 18, 2018); 2018 WL 6834597 (D. Colo. Dec 28, 2018). In recognition of this matter, Caleb and his team have three times been honored by the Colorado Lawyers' Committee with either a Special Recognition Award (2013) or Team of the Year Award (2017 and 2019).
- Served twice as special counsel for the Public Defenders Office.
- Worked with a team of private lawyers and the Public Defenders Office to secure systemic reform of bond-setting practices and access to counsel for the indigent in Denver County Court.