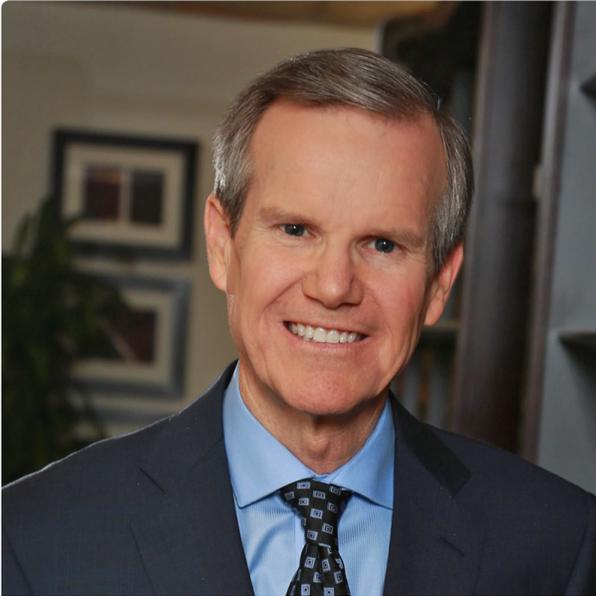




Gallagher&Kennedy



MARK C. DANGERFIELD

Shareholder

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My Practice

PUBLIC BIDDING & PROCUREMENT

PROFESSIONAL LIABILITY

LITIGATION - Appellate, Class Actions, Real Estate Litigation

PROFESSIONAL SUMMARY

For more than 25 years, Mark has offered intelligent and persistent advocacy for his clients involved in complex litigation matters. In the process, he has helped clients ranging from the State of Arizona to the Arizona Cardinals achieve their objectives, even when doing so required trips to the court of appeals to confirm correct rulings by a trial court or reverse errant ones. Mark's thorough analysis of evidence in complex cases often leads to key connections among facts that aid in the successful resolution of a matter. And clients appreciate that, despite Mark's focused efforts to prevail, he maintains a steady, sunny demeanor, typically reflected in his ready smile.

Mark's legal skills have also benefited from his other life experiences. After completing a degree in classical Greek language and literature from Brigham Young University, Mark spent several years working in the construction and real estate industries. He then went to law school, receiving his J.D. from the Harvard Law School in 1986. Clients often praise the quality of Mark's written legal work, and he believes both his classical language training and his time at Harvard Law have enhanced that skill. Mark has since assisted clients in a variety of cases, including those involving real estate, legal and accounting malpractice, contract disputes, corporate governance, securities, and statutory issues.

Mark has also developed special expertise and experience in appellate advocacy. He has handled many appeals, not only before Arizona courts, but also in matters pending before the United States Courts of Appeal for the Fourth, Fifth, Eighth, Ninth, and Tenth Circuits.

Mark's legal prowess was exemplified in his work as the principal lawyer defending the State of Arizona from lawsuits arising from the alternative fuel legislation enacted in 2000. That required Mark to defend against two major class actions and approximately a dozen other lawsuits stemming from that legislation. The State prevailed completely in every case, including four cases that required decisions by the Arizona Court of Appeals, two of which are reported at *Moulton v. Napolitano*, 205 Ariz. 506, 73 P.3d 637 (App. 2003) and *Baker v. Ariz. Dep't of Rev.*, 209 Ariz. 561, 105 P.3d 1180 (App. 2005). But Mark also represents individual clients. In *Murphy Farrell Development v. Sourant*, 229 Ariz. 124 (App. 2012), for example, Mark successfully defended an individual in an action seeking to acquire mining rights from his client, based on allegations that the client had improperly acquired them. After a trial, the court ruled in favor of Mark's client on the issue, but denied the client's request for an award of attorney's fees. Later, the Arizona Court of Appeals not only agreed that Mark's client properly acquired the mining rights, but found the trial court had erred in not awarding fees.

REPRESENTATIVE EXPERIENCE

- Assisting a team of lawyers representing Brigham Young University in a lawsuit against Pfizer, Inc. regarding B.Y.U.'s involvement in the development of the blockbuster arthritis drug, Celebrex. The case received national attention and was amicably settled in 2012. See, e.g. 5/1/12 New York Times article, "Pfizer Settles B.Y.U. Lawsuit Over Development of Celebrex."
- Successfully defending the Arizona Cardinals in a suit seeking to enjoin the team from enforcing certain rights and restrictions the Cardinals claimed in a public street adjoining University of Phoenix stadium in Glendale. After the trial court issued a preliminary injunction against the team, Mark filed an appeal to the Arizona Court of Appeals, which vacated the injunction. *City of Glendale v. B&B Holdings, Inc.*, 1 CA-CV 07-230 (April 24, 2008) (Memorandum Decision). The parties then reached a settlement on the remaining issues.
- Successfully defending a national homebuilder in a class action construction defect lawsuit seeking millions in damages for homes built in a Chandler, Arizona subdivision. Prior to trial, the judge dismissed the class action allegations as well as the claims against many of the individual homes. On the remaining homes, the jury returned only a nominal verdict that was less than the client's own expert had recommended.
- Assisting Arizona's Independent Redistricting Commission in reversing a judgment that had invalidated the Commission's decennial redistricting plan as unconstitutional. Mr. Dangerfield represented a group of individuals who intervened in the case, and filed a brief in the Court of Appeals supporting the Commission's plan. The Arizona Court of Appeals reversed the trial court's decision. See *Arizona Minority Coalition for Fair Redistricting v. Arizona Independent Redistricting Com'n*, 211 Ariz. 337, 121 P.3d 843 (App. 2005).
- Representing an owner of valuable real estate situated near an Arizona freeway in a lawsuit brought by a would-be purchaser who, after failing to comply with the terms of purchase, sued and asked the court to force the sale of the property. The court awarded summary judgment in favor of the owner.
- Successfully defending two Arizona congressmen against a lawsuit claiming that their campaign finance practices violated constitutional restraints. After the district court dismissed the claim, Mr. Dangerfield successfully defended the decision before the U.S. Court of Appeals for the Ninth Circuit.
- Representing a publicly-traded technology company based in Arizona in a lawsuit against its outside auditor (then a "Big-Five" accounting firm) and some former officers. The suit resulted in a favorable confidential settlement.
- Obtaining a favorable settlement for investors who had exchanged their stock in a private Arizona bakery for stock in an Oklahoma-based public company. That case required Mr. Dangerfield to bring a successful appeal to the U.S. Court of Appeals for the Tenth Circuit to reverse an initial order of the district court. See *Realmonte v. Reeves*, 169 F.3d 1280 (10th Cir. 1999).
- Successfully defending a Texas lawyer in a malpractice suit brought by the subsidiary of a national pension fund. After obtaining summary judgment for the lawyer, Mr. Dangerfield successfully defended the subsequent appeal to the U. S. Court of Appeals for the Fifth Circuit. See *SMWNP Holdings DeVore*, 165 F.3d 360 (5th Cir. 1999).
- Representing a company in a dispute with two former partners over the sale proceeds from hotels in Minnesota and Iowa. The case went to trial and resulted in a substantial favorable judgment. Mr. Dangerfield successfully defended the judgment on appeal to the U. S. Court of Appeals for the Eighth Circuit. See *Larken, Inc. v. Wray*, 180 F.3d 729 (8th Cir. 1999).

EDUCATION

Harvard University
J.D., 1986

Brigham Young University
B.A., *magna cum laude*, 1975

BAR & COURT ADMISSIONS

- Arizona, 1986
- U.S. Court of Appeals, Ninth Circuit, 1987
- U.S. Court of Appeals, Fourth Circuit, 1997
- U.S. Court of Appeals, Eighth Circuit, 1998
- U.S. Court of Appeals, Fifth Circuit, 1998
- U.S. Court of Appeals, Tenth Circuit, 1998
- U.S. Supreme Court, 2005

ASSOCIATIONS & MEMBERSHIPS

- State Bar of Arizona, Member

- State Bar of Arizona, Appellate Practice Section, Member

HONORS & AWARDS

- AV Preeminent Peer Review Rating, Martindale-Hubbell
- *The Best Lawyers in America*®, Commercial Litigation, 2011-2020
- Phi Kappa Phi, Brigham Young University, 1975
- Graduate with High Honors, Brigham Young University Honors Program, 1975

COMMUNITY & PHILANTHROPY

Member, Valley of the Sun United Way Tocqueville Society

Active member and leader in the Church of Jesus Christ of Latter-day Saints, having previously served as a Bishop (lay pastor) of a congregation, and currently serving as one of two “counselors,” or assistants, to the Bishop of a local congregation.

LIVE MEDIA

- Mark Dangerfield Throws First Pitch at Diamondbacks game, September 15, 2016
- Running a Big Race, February 26, 2016
- Marathon Man, October 1, 2015

REPRESENTATIVE CASES

- *Schoeneweis v. Hamner*, 223 Ariz. 169, 221 P.3d 48 (App. 2009) (public availability of probate records)
- *Dawson v. Withycombe*, 216 Ariz. 84, 163 P.3d 1034 (App. 2007) (duties of corporate officers and directors)
- *Baker v. Ariz. Dep't of Rev.*, 209 Ariz. 561, 105 P.3d 1180 (App. 2005) (constitutionality of alternative fuel legislation)
- *Arizona Minority Coalition for Fair Redistricting v. Arizona Independent Redistricting Com'n*, 211 Ariz. 337, 121 P.3d 843 (App. 2005) (interpretation of constitutional provision regarding State Redistricting Commission)
- *Realmonite v. Reeves*, 169 F.3d 1280 (10th Cir. 1999) (federal securities fraud/statute of limitation)

OTHER

Mark is an avid runner who has run 75 marathons or ultra-marathons, including marathons on all of the seven continents of the world and in 50 different states. He and his wife of more than 40 years are the proud parents of six children and 15 grandchildren.