

BENJAMIN, BAIN HOWARD & COHEN | LLC

Tracy A. Davis

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Tracy Davis represents individuals and companies in dispute resolution, contracting and strategic decision-making. Her practice emphasizes construction, real property and general corporate law, though she also has substantial experience in intellectual property litigation, insurance coverage issues and receiverships.

Tracy represents clients in all phases of litigation, from initial investigation through trial and appeal. She also is experienced in mediation and contract negotiations, successfully working with clients to negotiate effective contracts and to settle disputes before they become litigation. In all of her work, Tracy works with clients to develop and execute the best strategy to achieve her clients' goals.

Tracy currently is on the Board of Directors and serves as the Treasurer of the Academy of Urban Learning, a Denver charter school. In 2012, she will begin a term co-chair of the Denver Bar Association/Colorado Bar Association Diversity in the Legal Profession Committee. Prior to attending law school, Tracy was a college professor and field hockey and lacrosse coach. In her free time, she enjoys cycling, skiing, art, photography and travel.

Practice Areas

- ◆ **Construction Law and Litigation**
- ◆ **Real Estate Litigation**
- ◆ **Business Torts and Contract Disputes**
- ◆ **Intellectual Property Law**
- ◆ **Contract Drafting and Negotiations**

Representative Matters

- ◇ Represent numerous property owners and construction companies in defect, delay and changed site condition claims, issues related to payment and approval of change orders, and engineering/architectural liability matters
- ◇ Represent property owners, construction companies and material suppliers in collections, mechanic's lien and trust fund cases
- ◇ Represent clients in negotiating and drafting contracts, including construction contracts, procurement contracts, intellectual property licenses and other commercial contracts
- ◇ Represent several large landscaping and maintenance companies in defect, payment and contracting matters
- ◇ Represent national and international material suppliers in Colorado and regional collections matters

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- ◇ Represent owner of large, regional mall in connection with ground settlement and resulting damages issues
- ◇ Successfully represented a blasting subcontractor in a mechanic's lien validity and foreclosure trial
- ◇ Represented subdivision developers, home builders and condominium builders in residential construction defect claims, including claims related to landscaping, water intrusion, concrete, settling, stucco and finish work
- ◇ Represented subdivision developer in defects claims related to installation of sewer and water systems and soil compaction
- ◇ Represented public and private entities in the development, construction and/or operation of large public projects, including convention centers, airports and transportation systems
- ◇ Represented large natural gas company in environmental matters, including enforcing air quality laws against neighboring smelter
- ◇ Represented public and private entities in land use matters, including zoning and environmental matters, including representing cities and towns zoning boards of appeals and other boards in these matters
- ◇ Represented public and private entities, including an airports and other owners, in matters related to leaks from underground storage tanks and other environmental contamination
- ◇ Provide strategic advice to corporate clients regarding State and Federal regulatory matters, particularly environmental issues
- ◇ Represented education institutions regarding operational issues, including open records requests, employment, non-student access to facilities and defending in litigation.
- ◇ Represent insureds seeking coverage from their insurance company or in bad faith claims
- ◇ Represented numerous entities and individuals in lawsuits against lenders and/or banks regarding loans and alleged deficiencies
- ◇ Represent copyright and trademark holders in enforcing and protecting their intellectual property rights
- ◇ Represent a publisher in copyright enforcement claims against competitors who copied the publisher's works
- ◇ Represented a telecommunications company in litigation and provided advice and negotiation regarding complex business agreement
- ◇ Represent corporations or officers/directors in suits related to officer and director duties and corporate management
- ◇ Represented an investor/partner in litigation against his business partner related to fraud and theft from the corporation by the business partner
- ◇ Represent a corporate officer personally sued for fraud and other tort and statutory claims related to a contract between his employer and a third-party
- ◇ Represent receivers, including related to operating businesses, liquidated businesses, and extensive real property holdings
- ◇ Represented a receiver as part of a three-state receivership of a bankrupt national real estate developer, including the sale of hundreds of unfinished and finished lots in Colorado and the settlement of numerous mechanic's liens
- ◇ Represent clients in mediations and settlement of disputes

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Professional Experience and Awards

- American, Colorado and Denver Bar Associations
- Palmer & Dodge, LLP (now Edwards, Wildman Palmer LLP), Boston, MA (2001-2002)
- Sherman & Howard, LLC, Denver, CO (2003-2006)
- Listed in Marquis' *Who's Who in American Law*, *Who's Who of American Women* and *Who's Who in America*

Community Involvement

- Academy of Urban Learning, Board Member and Treasurer
- 2011 incoming co-chair of Denver Bar Association/Colorado Bar Association Diversity in the Legal Profession Committee

Bar and Court Admissions

- Colorado, 2003
- U.S. District Court for the District of Colorado, 2003
- Massachusetts, 2002 (inactive)
- U.S. District Court for the District of Massachusetts, 2002

Education

- Williams College, B.A., 1991
- Smith College, M.S., 1994
- Boston College Law School, J.D., *magna cum laude*, 2001