JONES&KELLER
ATTORNEYS AT LAW



Edward Lyons

SHAREHOLDER

Email: elyons@joneskeller.com

Phone: 303-573-1600

Ed Lyons focuses in commercial litigation, employment and labor law, public utilities law, and rail and motor carrier transportation. He has more than four decades of experience handling cases in state and federal courts and before administrative agencies in Colorado and across the United States. Ed is admitted to practice in all Colorado courts as well as the United States Supreme Court, the U.S. Courts of Appeal for the Fifth, Eighth, Ninth and Tenth Circuits, and the U.S. Court of Federal Claims. Ed has also practiced extensively before federal and state regulatory agencies and tribunals, including the Colorado Public Utilities Commission, U.S. Surface Transportation Board (formerly the Interstate Commerce Commission), Colorado Civil Rights Commission, U.S. Equal Employment Opportunity Commission, National Labor Relations Board, U.S Environmental Protection Agency, Occupational Safety & Health Administration, U.S. Securities and Exchange Commission, Federal Industry Regulatory Authority, and Federal Reserve Board.

Ed has been counsel of record in more than 50 reported cases in federal and state courts.

In addition to litigation, Ed also represents clients in business and regulatory matters involving railroads and motor carriers, and in assisting employers in the fields of labor and employment law. Prior to obtaining his J.D. degree at the University of Michigan Law School, Ed served as a commissioned officer in the United States Navy.

Experience

Ed’s litigation practice has encompassed virtually the entire spectrum of commercial litigation, including contract and property disputes, business and individual torts, civil rights, wrongful discharge, employment discrimination, public utilities and transportation, constitutional law, eminent domain and inverse condemnation, securities fraud and SEC enforcement, construction disputes, banking, wrongful competition, intellectual property, and insurance. Some of Ed’s significant achievements include:

- Upholding the sovereign immunity from suit of two American Indian tribal business organizations that engage in making short-term (“pay-day”) loans via the Internet in a nearly decade-long litigation that culminated in the dismissal of subpoena-enforcement actions brought by the Colorado Attorney General and featured two victories in the Colorado Court of Appeals and a landmark decision of the Colorado Supreme Court defining and establishing arm-of-the-tribe sovereignty.
- Vindicating the right of the developer of a large-scale interstate municipal solid waste disposal site in South Dakota to an award of just compensation from the State of South Dakota, under the Fifth and Fourteenth Amendments of the U.S. Constitution, for a regulatory taking of the landfill resulting from a state-wide referendum that stopped the development. This multifaceted litigation covered more than a decade and

involved two jury trials and 12 published opinions of state and federal courts, including multiple decisions of the South Dakota Supreme Court and the U.S. Court of Appeals for the Eighth Circuit.

- Obtained a multi-million reparation award in favor of a major oil company against electric utilities for excessive charges for electric power resulting from a discriminatory rate design. This again involved a decade-long series of cases that originated before the Colorado Public Utilities Commission and resulted in successful appeals and related civil litigation in Colorado trial courts and the Colorado Supreme Court.
- Most recently, upholding a railroad's right to authorize a municipality to construct a pedestrian and bicycle trail within the railroad right-of-way easement over the objection of an adjacent landowner in a precedent-setting decision of the Colorado Court of Appeals adopting the "incidental-use" doctrine as part of Colorado law.

Significant Representations

FEDERAL CASES

- AT&T Intellectual Property II, L.P. et al v. aioTV, Inc., 2014 WL4052803___F.Supp.2d___(N.D.Ga.2014)
- Audler v. CBC Innovis, Inc., 519 F.3d 239 (5thCir.2008)
- Estate of McMorris v. Comm'r. of Internal Revenue., 243 F.3d 1254 (10thCir.2001)
- In re SDDS, Inc., 225 F.3d 970 (8thCir.2000), cert. denied 532 U.S. 1007 (2001)
- In re SDDS, Inc., 97 F.3d 1030 (8thCir.1996)
- SDDS, Inc. v. State of South Dakota., 47 F.3d 263 (8thCir.1995)
- Railway Labor Executives' Ass'n v. U.S., 697 F.2d 285 (10thCir.1983)

STATE CASES

- Durango & Silverton Narrow Guage Railroad Co. v. Wolf, ___ P.3d ___, 2013 COA 118 (Colo.App.2013)
- Cash Advance and Preferred Cash Loans v. State of Colorado, 242 P.3d 1099 (Colo.2010)
- State ex rel. Suthers v. Cash Advance, 205 P.3d 389 (Colo.App.2008), cert. granted (Colo.2009)
- Department of Revenue v. Durango & Silverton Narrow Gauge R.R. Co., 989 P.2d 208 (Colo.App.1999)
- SDDS, Inc. v. State of South Dakota, 569 N.W.2d 289 (S.D.1997), cert. denied 523 U.S. 1118 (1998)
- Atlantic Richfield Co. v. District Court, Montrose County, 794 P.2d 253 (Colo.1990)
- Colorado-Ute Elec. Ass'n, Inc. v. Public Utilities Com'n, 760 P.2d 627 (Colo.1988)
- Trans-Western Express, Ltd. v. Local Union No. 17, Intern. Broth. of Teamsters, Chauffeurs, Warehousemen and Helpers of America, 603 P.2d 959 (Colo.App.1979)

HONORS & DISTINCTIONS

- Colorado Super Lawyers – Business Litigation, 2007-2017
- Super Lawyers, Corporate Counsel Edition – Business Litigation, 2008-2017
- Super Lawyers, Business Edition – Business Litigation, 2011-2017
- Best Lawyers in America® – Commercial Litigation and Litigation – Securities, 2013-2027

PROFESSIONAL & COMMUNITY AFFILIATIONS

- City Councilman, Greenwood Village, Colorado, City Council (1969-1973)
- Committee on Conduct, U.S. District Court, District of Colorado (Chairman 1997-2000)
- Judge William E. Doyle American Inn of Court, Master of the Bench (Emeritus)
- Colorado Bar Association

- Denver Bar Association

ADMISSIONS

- Colorado Supreme Court
- U.S. Supreme Court
- U.S. Court of Appeals, 10th Circuit
- U.S. Court of Appeals, 9th Circuit
- U.S. Court of Appeals, 8th Circuit
- U.S. Court of Appeals, 5th Circuit
- U.S. District Court, District of Colorado
- U.S. Court of Federal Claims
- U.S. Tax Court

LICENSED IN

Colorado

EDUCATION

J.D., University of Michigan, 1959
B.S., College of the Holy Cross, 1953

PRACTICE AREAS

Litigation
Transportation and Utilities

BADGES







