

HIRST Wyoming Attorneys APPLEGATE

Thomas A. Nicholas, Of Counsel

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Shoshone and Arapahoe Tribal Court, 1996

EMPLOYMENT

2004 to present, Of Counsel, **Hirst Applegate, LLP.**

- 1978 to 1994, Partner
- 1994 to 2004, President and managing shareholder
- Practice areas include: Insurance Defense Litigation, Commercial Litigation, Environmental Litigation, Energy Litigation, Health Care Litigation, Administrative Hearings and Appeals

1977 to 1978 - **Senior Assistant Attorney General**, Natural Resources Division

- Senior attorney in charge of the Natural Resources Division of the Wyoming Attorney General's Office; Chief administrative hearing and litigation attorney for the Public Service Commission of Wyoming; Wyoming liaison to the energy subcommittee of the National Association of Attorneys General; substitute joint board member – Interstate Commerce Commission; Legal counsel to the Wyoming Board of Veterinary Medicine

1974 to 1977 – **Special Assistant Attorney General** – Wyoming Public Service Commission

- Chief administrative hearing and litigation attorney for the Public Service Commission of Wyoming

EDUCATION

University of Wyoming, J.D., 1974
Carroll College, B. A. (Accounting), 1971

ADMITTED TO PRACTICE

Wyoming Supreme Court, 1974
U.S.D.C., District of Wyoming, 1974
Tenth Circuit Court of Appeals, 1977

PRESENTATIONS & PUBLICATIONS

- 2001 – “Multi-District Litigation” – Wyoming Defense Lawyer Association
- 1998 – “Ethical Discovery” - Wyoming Association of Defense Trial Counsel Annual Convention
- 1998 – “Class Actions and Multi-District Litigation” - Student Chapter – Wyoming Trial Lawyers Association
- 1997 – “Federal Court Procedures Today” – Wyoming Bar Association Annual Convention
- 1997- “Voir Dire & Jury Selection” – Wyoming Trial Lawyers Association
- 1997 “Wyoming Rules Update” – Wyoming Association of Defense Trial Counsel
- 1997 “Local Federal Civil Rules” – Wyoming Trial Lawyers Association
- 1996 “Bar/Bench Relations” – Wyoming Association of Defense Trial Counsel Annual Convention
- 1996 “High Tech Courtroom” – Laramie County Bar Association Meeting
- 1994 – “Civil Justice Reform Act” – 10th Circuit United States Court of Appeals – Conference Program
- 1993 “New Local Rules, United States District Court” – Wyoming Association of Defense Trial Counsel Annual Convention
- 1991 – “Tortious Interference with a Contract or Prospective Contractual Relationship” – Wyoming Bar Association Annual Convention

PROFESSIONAL AFFILIATIONS

Wyoming Bar Association; Laramie County Bar Association; Wyoming Defense Lawyers Association

PERSONAL: Mr. Nicholas and his wife have three grown children and eight grand children.

REPORTED CASES

The State of Wyoming v. W.A. Moncrief, Jr., et. al., 720 P.2d 470 (1986); *Williston Basin Interstate Pipelines Company v. Wyoming Public Service Commission*, 996 P.2d 663 (2000); *Sboshone First Bank, et. al. v. Pacific Employers Insurance Co.*, 2 P.3d 510 (2000); *Western Org. of Resource v. Bureau of Land MGT.*, 591 F. Supp.2d (2008); *In Re Wal-Mart Wage and Hour Employment Practices*, 490 F. Supp. 2d. 1091 (2007); *Mountain West Mines, Inc. v. Cleveland-Cliffs Iron Co.*, 376 F. Supp 2d. 1298 (2005); *Pennaco Energy, Inc. v. U. S. Dept. Of Interior*, 266 F. Supp 2d. 1323 (2003); *Hasvold v. First USA Bank, N.A.*, 194 F. Supp 1228 (2002); *Estates of Tobin v. SmithKline Beecham Pharmaceuticals*, 164 F. Supp 2d. 1278 (2001); *Sinclair Oil Corp. v. Republic Ins. Co.*, 929 P.2d 535 (Wyo. 1996); *In re Copley Pharmaceutical, Inc.*, 161 F.R.D. 456 (D.Wyo. 1995); *Rural Elec. Co. v. Cheyenne Light, Fuel & Power Co.*, 602 F.Supp. 105, (D.Wyo. 1983); *WYMO Fuels, Inc. v. Edwards*, 723 P.2d 1230 (Wyo. 1986); *Natural Gas Processing Co. v. Hull*, 886 P.2d 1181 (Wyo. 1994); *Wyoming Consumer Group v. Public Service Com'n of Wyoming*, 882 P.2d 858 (Wyo. 1994); *Union Telephone Co., Inc. v. Wyoming Public Service Com'n*, 821 P.2d 550 (Wyo. 1991); *Triton Coal Co., Inc. v. Mobil Coal Producing, Inc.*, 800 P.2d 505 (Wyo. 1990); *MacKrell v. Bell H2S Safety*, 795 P.2d 776 (Wyo. 1990); *Burton v. Fisher Controls Co.*, 723 P.2d 1214 (Wyo. 1986); *State v. Moncrief*, 720 P.2d 470 (Wyo. 1986); *Burton v. Fisher Controls Co.*, 713 P.2d 1137 (Wyo. 1986); *Consolidated Freightways v. Drake*, 678 P.2d 874 (Wyo. 1984); *Pacific Power & Light Co. v. Public Service Com'n of Wyoming*, 677 P.2d 799 (Wyo. 1984); *Tate v. Mountain States Tel. and Tel. Co.*, 647 P.2d 58 (Wyo. 1982); *Phillips Petroleum Co. v. Public Service Commission*, 545 P.2d 1167 (Wyo. 1976); *Rural Elec. Co. v. Cheyenne Light, Fuel & Power Co.*, 762 F.2d 847 (10th Cir. 1985); *Blue Cross Ass'n v. Harris*, 664 F.2d 806 (10th Cir. 1981); *Brockman v. Sweetwater County School Dist. No. 1*, 826 F.Supp. 1328 (D.Wyo 1993); *Frost v. School Dist. No. 1*, 1992 WL 724584 (D.Wyo. 1992); *Colorado Interstate Gas Co. v. Natural Gas Pipeline Co. of America*, 661 F.Supp. 1448, (D.Wyo. 1987)

ACTIVITIES & ACCOMPLISHMENTS

- 1997 to present: Listed in *Best Lawyers in America*
- 2004 to 2008: Listed by *Chambers U.S.A.* band 1 2005-2007
- 2007 to 2008: Listed in *Benchmark Litigation – Guide to America's Leading Litigation Firms and Attorneys*
- 2008 to present: Listed in 2008 *The Lawdragon 500 Leading Lawyers in America*
- 2007 to present: Listed in *Mountain States Super Lawyers, Energy & Natural Resources, General Litigation, Personal Injury – Defense*
- 1999 to 2009: International Association of Defense Counsel, State Chair
- 1997 to 2009: DRI, Wyoming Liaison to Various Committees
- 1996 to present: Wyoming Supreme Court Permanent Rules Advisory Committee – Civil Division
- 1996: Tenth Circuit Gender Bias Task Force – Wyoming Study Committee
- 1993 to 2010: United States District Court Standing Committee on Local Rules
- 1987: Wyoming Bar Association, Continuing Legal Education Committee
- 1981 to 1982: Wyoming Trial Lawyers, Legislative Committee
- 1981: Wyoming Bar Association, Title Standards Committee
- 1975: Wyoming Bar Association, Fee Arbitration Committee
- 1975 to 1978: Substitute Member – Interstate Commerce Commission Joint Board
- 1978: Environmental Protection and Legal Committees of the Interstate Oil Compact Commission
- 1977: Member – Governor's Solar Energy Advisory Council
- 1975: Member – Wyoming State Bar Association Committee on Legal Services
- 1975 to 1978: Wyoming liaison to the energy subcommittee of the National Association of Attorneys General-Committee on the Office of Attorneys General