

# HIRST Wyoming Attorneys APPLEGATE

## **Thomas A. Nicholas, Of Counsel**

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### 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

Shoshone and Arapahoe Tribal Court, 1996

### 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” – 10<sup>th</sup> 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

## 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); *Shoshone 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 (10<sup>th</sup> Cir. 1985); *Blue Cross Ass'n v. Harris*, 664 F.2d 806 (10<sup>th</sup> 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

- 2018 Defense Lawyers Association of Wyoming 1-1-109 Award
- 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 2014: 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

## PERSONAL:

Mr. Nicholas and his wife have three grown children and eight grandchildren.