

In 2004, Dorsey & Whitney was retained by Qwest Corporation in 2004 to defend Qwest in a lawsuit alleging violations of the Federal and Minnesota Telecommunications Acts, promissory estoppel, and fraud. The suit was brought by a group of shareholders representing Firstcom, Inc., a dissolved Minnesota corporation. In September 2006, Qwest obtained summary judgment, on the basis that shareholder plaintiffs lacked standing to sue Qwest because the corporation sold all of its assets prior to dissolving. In November 2006, Firstcom's lawyer filed a second, nearly identical complaint, purportedly on behalf of the company that acquired Firstcom's assets. Finding some claims time-barred and others preempted by the federal law, the district court again disposed of Firstcom's claims. Firstcom then appealed to the Eighth Circuit. The panel discredited Firstcom's arguments regarding the statutes of limitation, found several state law claims preempted and the remainder of the claims prohibited by the filed rate doctrine. *Firstcom, Inc. v. Qwest Corp.*, 555 F.3d 669 (8th Cir. 2009)

In early 2008, Dorsey obtained a \$19.4 million refund from the State of Minnesota for its client Qwest Corporation. In 2003, the Minnesota Public Utilities Commission assessed a \$25.9 million penalty against Qwest Corporation for alleged violations of the Federal and Minnesota Telecommunications Acts. In 2005, Qwest discovered that Greg Scott, a commissioner at the time of the 2003 penalty assessment, had an undisclosed close personal friendship with the attorney for one of Qwest's adversaries in the proceeding. After several years of contested case proceedings, appeals to the federal district and circuit courts, a direct appeal to the Minnesota Court of Appeal and various re-hearings before the state commission, Dorsey demonstrated that Scott's numerous communications and personal friendship with an attorney for one of Qwest's adversaries violated the commission's code of conduct and improperly influenced the commission's deliberative process. The state commission was required to re-deliberate the penalty and ultimately issued a substantial refund. *In the Matter of the Commission Inquiry re Potential Proscribed Ex Parte Contacts re Commissioner Scott*, Case No. A06-1578, 2007 WL 2177868 (Minn. Ct. App. July 31, 2007).