



## ANDREW M. UNTHANK

### Partner & Recruiting Chair

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**Drew Unthank represents leading companies in consumer class action, complex commercial, and product liability litigation across the United States. He is a go-to attorney for companies facing claims under state and federal consumer protection statutes. Drew is Martindale Hubbell AV peer-review rated, and Colorado Super Lawyers has named him a Rising Star for Class Actions/Mass Torts.**

### EDUCATION

University of Denver Sturm  
College of Law, J.D., 2005  
Order of St. Ives, Scholastic  
Excellence Award, Moot Court  
Appellate Team

Northern Arizona University,  
B.S.B.A., 2001, Marketing  
Gamma Beta Phi, Mortar Board  
National Honor Society

### GOVERNMENT SERVICE

Judicial Law Clerk to The  
Honorable Nathan B. Coats,  
Colorado Supreme Court  
Intern to the Honorable John N.  
McMullen, Denver District Court

### ADMISSIONS

Colorado

### HIGHLIGHTS

- Served as the first-chair litigator on behalf of a Fortune 100 company against a former dealer and obtained an arbitration award including the full principal amount claimed plus attorneys' fees and costs.
- Defend one of the world's largest appliance manufacturers in multiple consumer class action lawsuits across the country involving a variety of products and services.
- Defeated class certification amid allegations that 2,000,000 Whirlpool-made ovens were prone to overheat.
- Developed a successful legal challenge to class action claims brought against a nursing home chain under the Colorado Consumer Protection Act.
- Won a protracted bench trial for a franchisor with tens of millions of dollars at stake.
- Drafted successful appellate briefs on issues relating to consumer protection act claims and bad faith breach of insurance contracts, and prepared winning summary judgment briefs in landowner premises liability suit.
- Successfully defended several insurance companies against a variety of class action and individual claims regarding the offer and sale of extended personal injury protection and UM/UIM coverage.

### INDUSTRIES

- Construction & Engineering
- Oil & Gas
- Healthcare
- Energy
- Consumer Products & Services
- Automotive
- Insurance

### PRACTICE AREAS

- Class Actions
- Franchise & Distribution
- Commercial Litigation
- Product Liability
- Personal Injury Defense

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## BIOGRAPHY

Drew Unthank represents leading companies in consumer class action defense, complex commercial, and product liability litigation. Drew's successful legal challenge to the Colorado Consumer Protection Act (*Hise, et al. v. SSC Submaster Holdings*) effectively squashed plaintiffs' ability to bring class claims under the Act.

In addition to his experience litigating consumer protection claims, Drew has successfully defended a variety of class actions, complex commercial, and catastrophic torts claims. He also serves as Chair of the firm's Recruiting & Diversity Committee. In this role, Drew has introduced behavior-based recruiting and interviewing methods to help the firm identify and hire exceptional attorneys poised to grow with WTO.

Beyond his professional pursuits, Andrew has mentored several first-year law students through the Lawyering Process program at the University of Denver's Sturm College of Law.

## CASES

- Served as the first-chair litigator on behalf of a Fortune 100 company against a former dealer and obtained an arbitration award including the full principal amount claimed plus attorneys' fees and costs.
- Defend one of the world's largest appliance manufacturers in multiple consumer class action lawsuits across the country involving a variety of products and services.
- *Kljajic et al. v. Whirlpool* (N.D. Ill. 2017) - Defeated class certification amid allegations that 2,000,000 Whirlpool-made ovens were prone to overheat. WTO attorneys disqualified the plaintiffs' expert witness and successfully argued that the claims were overly broad and the plaintiffs' purported theories for failure were too many to achieve certification.
- *Hise, et al. v. SSC Submaster Holdings* (D. Colo. 2012) - Developed a successful legal challenge to class action claims brought under the Colorado Consumer Protection Act against a national nursing home chain and its affiliated companies and obtained a complete dismissal of all consumer protection claims brought by the proposed class.
- *Colorado Coffee Bean v. Peaberry Coffee* - Defended a franchisor against fraud claims made by franchisees, who sought tens of millions of dollars in actual and punitive damages. After a five-week trial, WTO won judgment for our client. The Court awarded \$2 million in attorneys' fees against the franchisees.
- Taken and defended the depositions of numerous expert and lay witnesses, including named class representatives, in a variety of class action, commercial, and product liability suits involving defective design, insurance coverage, and banking issues.
- Successfully defended several insurance companies against a variety of class action and individual claims regarding the offer and sale of extended personal injury protection and UM/UIM coverage.

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- Drafted successful appellate briefs on issues relating to consumer protection act claims and bad faith breach of insurance contracts, and prepared winning summary judgment briefs in landowner premises liability suit.
- Conducted direct and cross examinations of several witnesses at trial, including experts, and prepared company witnesses for deposition and trial testimony.

## REPRESENTATIVE CLIENTS

United States Olympic Committee  
USAA  
Whirlpool - National Trial Counsel

## BAR & COURT ADMISSIONS

Colorado  
U.S. District Court for the District of Colorado  
U.S. District Court for the Eastern District of Michigan

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

*Martindale-Hubbell AV®* Peer Review Rated  
*Colorado Rising Stars*  
Class Actions/Mass Torts, 2014-2018  
Business Litigation, 2011-2013  
*Benchmark Litigation*  
40 and Under Hotlist, 2018  
*Law Week Colorado's Up-and-Coming Lawyers*  
Selected, 2008  
Finalist, 2010  
Colorado Civil Justice League  
Member of the Legal Advisory Board  
International Franchise Association  
Member of the FASB working group  
University of Denver Sturm College of Law  
Annual participant in the Lawyering Process mentoring program  
Legal Aid Foundation  
Associates' Campaign Fundraising Chair 2011-2012 (set fundraising record both years)  
Denver Bar Association  
Colorado Bar Association  
American Bar Association

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Open Media Foundation  
Board of Directors  
Development Committee

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## ARTICLES & PRESENTATIONS

- "2012-2013 E-Discovery Case Law Update," presented at the COALSP 7th Annual E-Discovery Summit in Denver, CO (October 11, 2013).
- "Green Building in Colorado: Know the Risks!" presented at Wheeler Trigg O'Donnell (November 2009).
- "An Architect's Guide to Understanding Modern Copyright Protection for Architectural Works," *Preventive Law Reporter*, University of Denver Sturm College of Law, Vol. 22, No. 3 (2004).

## PERSONAL INTERESTS

Mountain biking, backpacking, travel, live music