

TRIALS
ADVOCACY

DISPUTE RESOLUTION

ARBITRATIONS

APPEALS



TRIAL TESTED™

MEDIATION

LITIGATION

CLASS ACTIONS

MEDIATION

VERDICTS

TRIALS
DEFENSE

TRIALS

Annual Review | 2013

ADVOCACY

DISPUTE RESOLUTION

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DEFENSE

TO OUR CLIENTS AND COLLEAGUES

Thank you for the confidence and trust you place in Wheeler Trigg O'Donnell. Whether you are a client, colleague, employee, or friend, we appreciate the positive relationships we share and your contributions to the firm's success.

2013 was a very productive year. On behalf of our clients, WTO lawyers tried nine cases to verdict, argued eight appeals to a decision, defeated certification in three potential class actions and secured dismissal in a fourth, and obtained dismissals in many more cases. Our teams also handled numerous arbitrations, mediations, and settlement negotiations across the country.

While our practice is truly national, we note that WTO has become the sixth-largest law firm in Denver after 16 years in business. Each year, we continue to develop new ways to serve our clients more efficiently and effectively. The firm added 19 new lawyers, for a total of 92 lawyers at year's end. We also promoted Connie Proulx, a director at WTO for 10 years, to Director of Administration as Howard Jenkins, our firm administrator from the start, retired.

The following pages present a sampling of the services and results we achieved for our clients and the positive impacts we have had in our community in 2013. Listed within this review you will also see the many WTO lawyers who have been recognized by *U.S. News-Best Lawyers*, *Chambers USA*, *The Legal 500 US*, *Benchmark Litigation*, *Colorado Super Lawyers*, and *International Who's Who* over the past year.

We sincerely look forward to working more with you, our valued clients, colleagues, and friends, in 2014.



Michael O'Donnell
Chairman



Hugh Gottschalk
President



Carolyn Fairless
Managing Partner



TRIAL TESTED

Trial Tested™ civil litigation firm Wheeler Trigg O'Donnell helps its clients resolve disputes that threaten their businesses, brands, products, people, and customers. WTO handles trials, appeals, arbitrations, and related areas of complex civil litigation, including class actions and multidistrict litigation, often as national or regional trial counsel, for many of the nation's best-known companies in a wide variety of industries.

- Aerospace & Aviation
- Asbestos
- Automotive
- Banking
- Construction & Engineering
- Consumer Products
- Distribution & Franchising
- Energy
- Financial Services
- Food
- Healthcare
- Hospitality
- Industrial Equipment
- Insurance
- Legal Profession
- Manufacturing
- Medical Devices
- Medical Profession
- Natural Resources
- Oil & Gas
- Pharmaceuticals
- Professional Services
- Real Estate
- Shipping
- Technology & Media
- Telecommunications
- Transportation
- Trucking



Michael Alper



Scott Barker



Galen Bellamy



Miko Ando Brown



Mark Clouatre



Bryan Cross



Andrew Efav



Carolyn Fairless



Joseph Farchione



John Fitzpatrick



Hugh Gottschalk



James Hooper



Matthew Johnson



LaMar Jost



Steven Kelso



Kevin Kuhn



Raymond Martin



Craig May



Jeremy Moseley



Andrew Myers



Erik Nadolink



Habib Nasrullah



Joel Neckers



Michael O'Donnell



Terence Ridley



Kara Rosenthal



David Schaller



Jessica Scott



Edward Stewart



John Streehman



Jack Trigg



Andrew Unthank



John Vaught



Tamera Westerberg



Michael Williams



Gwen Young

Three associates were promoted to partner effective January 1, 2014:

Matthew Johnson, a 2005 graduate of the Northwestern University School of Law, focuses his practice on complex commercial litigation and arbitration, with particular emphasis in the energy, natural resources, and financial services sectors.

Jeremy Moseley, a 2005 graduate of the University of Notre Dame Law School, focuses his practice on mass torts and complex commercial litigation and mediation, including pharmaceutical product liability and professional liability cases.

John Streehman, a 2006 graduate of the University of Denver Sturm College of Law, draws on a broad litigation history to guide clients through complex civil litigation involving commercial, franchise, product liability, and medical and legal malpractice matters.

Six associates joined the firm:

Webster Cash III (Denver 2011, Colorado Supreme Court Clerk, Colorado Court of Appeals Clerk); **Erin Frohardt** (Northwestern 2012, U.S. Court of Appeals for the Tenth Circuit Clerk); **Christine Lyman** (Virginia 2007, U.S. Court of Appeals for the Ninth Circuit Clerk); **Jennifer Parker** (Colorado 2011, Colorado Supreme Court Clerk); **Hayley Reynolds** (Cornell 2005, AUSA Colorado, U.S. Court of Appeals for the Tenth Circuit Clerk); **Michael Song** (Texas 2005; AUSA Hawaii, U.S. District Court for the District of Columbia Clerk)

Ten staff counsel joined the firm:

Alan "Lanny" Anderson (Notre Dame 1975); **Kendra Baisinger** (Wisconsin 2003); **Jonathan Bradshaw** (Denver 2011); **Diane Duero** (Notre Dame 2005); **Emma Garrison** (UC Berkeley 2004); **Steve Lawrence** (Michigan 2003); **Troy Payne** (Lewis & Clark 2007); **Stefania Scott** (Denver 2004); **Kimberly Spiering** (NYU 2004); **Ashley Weaver** (Georgetown 2004)

Two recent graduates joined the firm as legal residents under a new program administered by local law schools:

Abigail Brown (Denver 2013); **Tony Owens** (Colorado 2013)

SELECTED IN 2013-2014 FOR PRODUCT LIABILITY PRACTICE

Miko Brown in *Colorado Super Lawyers Rising Stars* | Michele Choe in *Colorado Super Lawyers Rising Stars* | Joseph Farchione in *Colorado Super Lawyers* | John Fitzpatrick in *Best Lawyers, Chambers USA, The Legal 500 US, Colorado Super Lawyers* | Hugh Gottschalk in *Best Lawyers* | James Hooper in *Best Lawyers, Chambers USA, The Legal 500 US, International Who's Who of Product Liability Defense Lawyers, International Who's Who of Life Sciences Lawyers, Colorado Super Lawyers* | LaMar Jost in *Colorado Super Lawyers Rising Stars* | Craig May in *Best Lawyers, Colorado Super Lawyers* | Jeremy Moseley in *Colorado Super Lawyers Rising Stars* | Andrew Myers in *Colorado Super Lawyers Rising Stars* | Erik Nadolink in *Colorado Super Lawyers* | Habib Nasrullah in *Best Lawyers, The Legal 500 US, Colorado Super Lawyers* | Michael O'Donnell in *Best Lawyers, The Legal 500 US, International Who's Who of Product Liability Defense Lawyers, Colorado Super Lawyers* | Stephen Oertle in *Colorado Super Lawyers Rising Stars* | Kara Rosenthal in *Colorado Super Lawyers Rising Stars* | Kenneth Stalzer in *Colorado Super Lawyers Rising Stars* | Edward Stewart in *Best Lawyers, The Legal 500 US, Colorado Super Lawyers* | Jack Trigg in *Best Lawyers, Chambers USA, The Legal 500 US, International Who's Who of Product Liability Defense Lawyers, International Who's Who of Life Sciences Lawyers* | Theresa Wardon in *Colorado Super Lawyers Rising Stars* | Malcolm Wheeler in *Best Lawyers, Chambers USA, The Legal 500 US, International Who's Who of Product Liability Defense Lawyers, International Who's Who of Life Sciences Lawyers* | Michael Williams in *Best Lawyers, The Legal 500 US, Colorado Super Lawyers Rising Stars*

In 2013, WTO lawyers tried nine cases to verdict, argued eight appeals to a decision, defeated certification in three potential class actions and secured dismissal in a fourth, and obtained dismissals in many more cases. Our teams also handled numerous arbitrations, mediations, and settlement negotiations across the country.

Appellate

WTO prevailed in an appeal in the Tenth Circuit Court of Appeals in which the Court affirmed a district court victory for our client. The Tenth Circuit found that the appellant could not relitigate her discrimination claims because the issues were precluded by the prior arbitration of her claim for wrongful termination by our client.

Additionally, the Tenth Circuit affirmed the lower court's decision against the appellant on her Colorado Consumer Protection Act claim.

WTO successfully defended a major publishing house before the Colorado Supreme Court in a case involving a movie studio's \$50 million damages claim based on alleged false representation of a popular novelist's readership statistics. The studio claimed it lost money on the film as a result of inflated readership numbers. WTO lawyers also had won dismissal of the case in the trial court and before the Colorado Court of Appeals.

WTO won a unanimous judgment in the Montana Supreme Court for our client, a major auto manufacturer, in the appeal of a product liability case involving a fatal car accident. The case had far-reaching implications because it involved claims that our client should have made standard safety features that, at the time of the accident, were optional.

WTO successfully defended two appeals before the Colorado Court of Appeals in legal malpractice cases involving claims of failure

to disclose, negligent misrepresentation, fraudulent concealment, and breach of fiduciary duty.

WTO prevailed on appeal for our insurance company client in the Colorado Court of Appeals in a breach of contract action involving bad faith claims.

WTO won an affirmance by the Colorado Court of Appeals of a jury verdict that the firm won in 2011 on behalf of a Colorado surgeon in a medical malpractice matter.

Professional Liability

A WTO team was called in 10 days before trial to represent an Oregon hospital and its risk manager and CEO in a liability case involving criminal actions committed by a doctor the hospital had employed. After a three-week trial, the jury found no individual liable, awarded no punitive damages, and awarded compensatory damages amounting to less than the hospital had offered to settle the case prior to trial.

"This is the firm to hire in the highest exposure cases requiring experienced trial counsel."

– Client comment to *U.S. News – Best Lawyers 2013*

SELECTED IN 2013-2014 FOR APPELLATE PRACTICE

Kendra Beckwith in *Colorado Super Lawyers Rising Stars* | Matthew Johnson in *Colorado Super Lawyers Rising Stars* | Jessica Scott in *Colorado Super Lawyers Rising Stars* | John Vaught in *Benchmark Litigation, Colorado Super Lawyers* | Malcolm Wheeler in *Colorado Super Lawyers*

SELECTED IN 2013-2014 FOR PROFESSIONAL LIABILITY PRACTICE

Andrew Efaw (medical) in *Best Lawyers, Colorado Super Lawyers* | Carolyn Fairless (legal) in *Best Lawyers, Colorado Super Lawyers* | Joseph Farchione (medical) in *Colorado Super Lawyers* | John Fitzpatrick (medical) in *Best Lawyers, Colorado Super Lawyers* | Kevin Kuhn (medical) in *Best Lawyers, Colorado Super Lawyers* | LaMar Jost (medical) in *Colorado Super Lawyers Rising Stars* | Christopher Montville (legal) in *Colorado Super Lawyers Rising Stars* | Erik Nadolink (medical) in *Colorado Super Lawyers* | Joel Neckers (medical) in *Colorado Super Lawyers Rising Stars* | Michael O'Donnell (legal) in *Best Lawyers, Colorado Super Lawyers* | Kara Rosenthal (medical) in *Colorado Super Lawyers Rising Stars* | David Schaller (legal) in *Colorado Super Lawyers* | John Streeleman (medical) in *Colorado Super Lawyers Rising Stars* | Tamera Westerberg (legal) in *Colorado Super Lawyers*

WTO was called in to defend a Boston-area psychiatric hospital after the staff admitted negligence in the tragic death of a young teenager. The WTO team tried the case to a unanimous defense verdict based on proximate cause.

WTO won a unanimous defense verdict on behalf of a labor and delivery nurse in a three-and-a-half-week obstetrical malpractice trial in a Colorado district court.

WTO lawyers defended a hospital client in a case involving care that left a patient in a permanent vegetative state. Upon reaching its verdict, the jury awarded the plaintiff \$2.5 million less than the plaintiff's original, non-negotiable settlement demand.

WTO's legal malpractice team defeated class certification in federal court in Oklahoma in a case involving thousands of claimants against a law firm that represents clients before the Social Security Administration. Following the denial of certification, the court granted summary judgment in favor of our client on all remaining individual claims in the case.

Product Liability

Called in just three weeks before trial, WTO lawyers won a complete defense verdict on behalf of a major manufacturer of automotive gaskets in an asbestos wrongful death trial in Philadelphia. Our lawyers discovered evidence of the plaintiff's significant asbestos exposure in a prior job and convinced the jury, which deliberated

for just 15 minutes, that our client's product was not the source of the asbestos exposure.

Chambers USA 2013 ranks WTO among the top 14 product liability and mass torts practices nationwide.

WTO obtained voluntary dismissal of all claims relating to a suit alleging that our client's hospice bed started a fire that killed a palliative care patient and caused the decedent's widow to suffer post-traumatic stress disorder after witnessing the fire. Our team exposed the plaintiff's Facebook posts that directly contradicted her claims of PTSD and depression, leading the plaintiff to dismiss the lawsuit rather than continue to trial.

WTO serves as national coordinating counsel to the largest distributor of pharmaceutical products in North America for liability cases relating to numerous name brand and generic drugs.

WTO represents a Fortune 10 company as national resolution counsel in hundreds of cases involving a medical imaging contrast agent alleged to induce a rare disease.

The Legal 500 US 2013 ranks WTO among the top two automotive product liability and mass tort defense firms nationwide.

TRIAL TESTED

RECOGNIZED IN 2013-2014 FOR PERSONAL INJURY/TORTS PRACTICE

Miko Brown in *Colorado Super Lawyers Rising Stars* | Michele Choe in *Colorado Super Lawyers Rising Stars* | Andrew Efaw in *Colorado Super Lawyers* | Joseph Farchione in *Colorado Super Lawyers* | John Fitzpatrick in *Best Lawyers, Colorado Super Lawyers* | James Hooper in *Colorado Super Lawyers* | Matthew Johnson in *Colorado Super Lawyers Rising Stars* | LaMar Jost in *Colorado Super Lawyers Rising Stars* | Kevin Kuhn in *Colorado Super Lawyers* | Craig May in *Best Lawyers, Colorado Super Lawyers* | Jeremy Moseley in *Colorado Super Lawyers Rising Stars* | Andrew Myers in *Colorado Super Lawyers Rising Stars* | Erik Nadolink in *Colorado Super Lawyers* | Habib Nasrullah in *Colorado Super Lawyers* | Michael O'Donnell in *Best Lawyers, Colorado Super Lawyers* | Stephen Oertle in *Colorado Super Lawyers Rising Stars* | Kara Rosenthal in *Colorado Super Lawyers Rising Stars* | Kenneth Stalzer in *Colorado Super Lawyers Rising Stars* | Evan Stephenson in *Colorado Super Lawyers Rising Stars* | Edward Stewart in *Best Lawyers, Colorado Super Lawyers* | John Streeleman in *Colorado Super Lawyers Rising Stars* | Andrew Unthank in *Colorado Super Lawyers Rising Stars* | Theresa Wardon in *Colorado Super Lawyers Rising Stars* | Malcolm Wheeler in *Best Lawyers* | Michael Williams in *Colorado Super Lawyers Rising Stars*

TRIAL TESTED

SELECTED IN 2013-2014 FOR INSURANCE PRACTICE

Michael Alper in *Colorado Super Lawyers* | Terence Ridley in *Best Lawyers, Colorado Super Lawyers* | Evan Stephenson in *Colorado Super Lawyers Rising Stars* | John Vaught in *Best Lawyers, Colorado Super Lawyers*

SELECTED IN 2013-2014 FOR FRANCHISE/DISTRIBUTION PRACTICE

Mark Cloutre in *Colorado Super Lawyers* | Steven Kelso in *Colorado Super Lawyers* | Christopher Montville in *Colorado Super Lawyers Rising Stars* | David Schaller in *Colorado Super Lawyers* | John Streelman in *Colorado Super Lawyers Rising Stars* | Gwen Young in *Colorado Super Lawyers*

SELECTED IN 2013-2014 FOR EMPLOYMENT LITIGATION PRACTICE

Raymond Martin in *Best Lawyers, Chambers USA, Colorado Super Lawyers* | Tamera Westerberg in *Colorado Super Lawyers*

TRIAL TESTED

SELECTED IN 2013-2014 FOR CLASS ACTIONS/MASS TORTS PRACTICE

Michael Alper in *Colorado Super Lawyers* | Scott Barker in *Best Lawyers, Colorado Super Lawyers* | Galen Bellamy in *Colorado Super Lawyers Rising Stars* | John Fitzpatrick in *Best Lawyers, The Legal 500 US* | James Hooper in *The Legal 500 US* | Joel Neckers in *Colorado Super Lawyers Rising Stars* | Michael O'Donnell in *The Legal 500 US, Colorado Super Lawyers* | Terence Ridley in *Colorado Super Lawyers* | Jessica Scott in *Colorado Super Lawyers Rising Stars* | Edward Stewart in *The Legal 500 US* | Jack Trigg in *The Legal 500 US, Colorado Super Lawyers* | Andrew Unthank in *Colorado Super Lawyers Rising Stars* | John Vaught in *Colorado Super Lawyers* | Theresa Wardon in *Colorado Super Lawyers Rising Stars* | Malcolm Wheeler in *The Legal 500 US* | Michael Williams in *Best Lawyers, The Legal 500 US, Colorado Super Lawyers Rising Stars*



WTO represents a medical device company as national coordinating and trial counsel for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.

Commercial

WTO won several arbitrations in Alabama, Maryland, and Louisiana on behalf of a client against whom claimants alleged wrongful termination of independent contractor agreements. In each matter, WTO also fought improper attempts to reclassify the independent contractors as employees.

Chambers USA 2013 ranks WTO among the top three commercial litigation practices in Colorado.

WTO represented a Fortune 10 company in a major commercial dispute involving a construction-related fire in California that destroyed a warehouse in which original, one-of-a-kind music recordings were stored by copyright holders. WTO resolved the dispute on the eve of trial on terms favorable to our client.

WTO defended a leading entertainment company against a class action alleging improper language on tickets to a highly attended event at a Denver venue. After aggressive motions practice, all claims against our client were dropped.

Insurance

WTO won two complete defense verdicts on behalf of a nationwide insurer in insurance bad faith cases brought in federal court in Colorado. These victories were particularly noteworthy given Colorado's plaintiff-friendly insurance statutes.

WTO lawyers successfully defended a judgment on the pleadings in favor of our client, a nationwide insurer, and subsequently became one of only two firms in the nation to be named as national trial counsel to the company.

A WTO team represented a national insurer in federal court in Colorado in an underinsured motorist case involving potential multimillion-dollar exposure. After the judge resolved key issues in favor of our client, the case settled without any payment by the client.

After demonstrating that a plaintiff failed to disclose a bad faith claim against our client in a prior bankruptcy filing, WTO lawyers persuaded a federal district court judge in Colorado to close a civil matter that was based on the undisclosed allegations of bad faith.

After WTO moved to dismiss ERISA claims in a federal case in Colorado, the plaintiffs voluntarily dismissed their claims and the court entered a substantial award of attorneys' fees, all of which WTO recovered for our client.

SELECTED IN 2013-2014 FOR COMMERCIAL LITIGATION PRACTICE

Michael Alper in *Colorado Super Lawyers* | Scott Barker in *Best Lawyers, Chambers USA, Colorado Super Lawyers* | Kendra Beckwith in *Colorado Super Lawyers Rising Stars* | Galen Bellamy in *Colorado Super Lawyers Rising Stars* | Milko Brown in *Colorado Super Lawyers Rising Stars* | Mark Cloutre in *Best Lawyers, Colorado Super Lawyers* | Andrew Efaw in *Colorado Super Lawyers* | Carolyn Fairless in *Best Lawyers, Chambers USA, Colorado Super Lawyers* | John Fitzpatrick in *Chambers USA* | Hugh Gottschalk in *Best Lawyers, Chambers USA, Colorado Super Lawyers* | James Hooper in *Colorado Super Lawyers* | Matthew Johnson in *Colorado Super Lawyers Rising Stars* | Steven Kelso in *Colorado Super Lawyers* | Kevin Kuhn in *Colorado Super Lawyers* | Craig May in *Colorado Super Lawyers* | Christopher Montville in *Colorado Super Lawyers Rising Stars* | Jeremy Moseley in *Colorado Super Lawyers Rising Stars* | Joel Neckers in *Colorado Super Lawyers Rising Stars* | Habib Nasrullah in *Best Lawyers, Colorado Super Lawyers* | Reid Neureiter in *Best Lawyers, Colorado Super Lawyers* | Michael O'Donnell in *Best Lawyers, Chambers USA* | Terence Ridley in *Colorado Super Lawyers* | David Schaller in *Colorado Super Lawyers* | Jessica Scott in *Colorado Super Lawyers Rising Stars* | Kenneth Stalzer in *Colorado Super Lawyers Rising Stars* | Evan Stephenson in *Colorado Super Lawyers Rising Stars* | Edward Stewart in *Best Lawyers, Colorado Super Lawyers* | John Strelman in *Colorado Super Lawyers Rising Stars* | Jack Trigg in *Best Lawyers, International Who's Who of Commercial Litigation Lawyers, Colorado Super Lawyers* | Andrew Unthank in *Colorado Super Lawyers Rising Stars* | John Vaught in *Best Lawyers, Colorado Super Lawyers* | Theresa Wardon in *Colorado Super Lawyers Rising Stars* | Tamera Westerberg in *Colorado Super Lawyers* | Malcolm Wheeler in *Chambers USA, International Who's Who of Commercial Litigation Lawyers, Colorado Super Lawyers* | Michael Williams in *Best Lawyers, Colorado Super Lawyers Rising Stars* | Gwen Young in *Colorado Super Lawyers*

Franchise & Distribution

WTO successfully defended in a Nevada district court its victory in a litigated administrative hearing that allowed our client, a major automobile company, to add a dealer in the Las Vegas market after two local dealers filed formal protests.

Employment

Based on a preliminary injunction WTO obtained in late 2012 in Denver County District Court in a trade secret misappropriation case, the Economic Crimes Unit of the Denver District Attorney's Office filed criminal indictments against three former employees of WTO's client, a St. Louis-based company that provides services for the electric power generating industry.

WTO obtained the complete dismissal of claims of race, national origin, and religious discrimination brought by the general manager of a resort operated by WTO's client, an international luxury hotel chain. The plaintiff dismissed his claims with prejudice without receiving any concession or compensation from our client.

WTO represented the owner and operator of several prominent Denver nightclubs accused of discriminating against members of the Denver gay community. The Colorado Civil Rights Division rejected the claims of discrimination. The determination of the Civil Rights Division was subsequently affirmed by the Colorado Civil Rights Commission.

U.S. News – Best Lawyers 2014 ranks WTO in Tier 3 nationwide for Labor & Employment Law.

WTO lawyers obtained a recommended decision from a federal magistrate judge dismissing a race discrimination case brought under 42 U.S.C. §1981 against an international long-haul transport company.

Personal Injury Defense

In claims stemming from a high-profile rape case, WTO demonstrated that allegations of dangerous conditions were insufficient to negate our client's governmental immunity, leading the plaintiff to voluntarily dismiss the case.

In the firm's third consecutive victory in a Section 1983 case, WTO secured summary judgment for our client in a complaint involving claims against police officers of using excessive force and cruel and unusual punishment, among other accusations. Our team defeated all six of the plaintiff's claims.

On behalf of its client, a major common carrier, WTO won a complete motion to dismiss a premises liability and negligence claim in which the plaintiff was allegedly injured in an airplane incident. WTO was able to show, from the face of the pleadings, that the plaintiff presented no viable claim for relief.

WTO was called in to help defend a catastrophic construction accident injury case in Oregon. After presentations WTO helped make during the settlement conference, the case settled on favorable terms.

WTO represents a luxury resort company in defending personal injury cases.

Class Actions

WTO defeated a motion filed by the plaintiffs in federal court in Colorado to certify a class of consumers who had shopped during a specific pricing program at various grocery stores owned by WTO's client, a Fortune 500 food distribution company. Plaintiffs alleged common law fraud, civil theft, and violations of the Colorado Consumer Protection Act.

WTO represented a major energy company in a class action alleging underpaid royalties and claiming interest on the underpaid amounts, which created potential for more than \$2 billion in risk for our client. Ultimately, the plaintiffs were awarded only a fraction of the original demand.

Our lawyers defeated a motion to certify a nationwide breach of warranty class in a case alleging that certain washing machines sold under a major brand name contained defective electronic control boards that caused the machines to malfunction.

WTO secured dismissal of a putative class action complaint alleging that our client's appliances were mislabeled with the "Energy Star" logo. The court dismissed consumer fraud claims, rejecting the plaintiffs' theory that the label constituted a representation of fact on which consumers could rely.

ACE USA
Advanced Bionics
AIG
Allstate Insurance
Amica Mutual Insurance
Anheuser-Busch
Assurant
AT&T
AXIS Capital

Beazley Group
Berkley Medical Excess
Boston Scientific
BP America Production
CenturyLink
Chrysler Group
CNA Insurance
Coca-Cola Co.
ConocoPhillips

Continental Resources
CoorsTek
COPIC Insurance Co.
Crown Equipment
Dana Corporation
Einstein Noah Restaurant
Group
Electrolux Home Products
EnCana

Encompass Insurance
FedEx Ground Package System
Financial Indemnity Company
FMC Corp.
Ford Motor Co.
Foster Wheeler
Furniture Row
General Electric
Georgia-Pacific

Geosyntec Consultants
Global Aerospace
GMAC Insurance
Great-West Life
Guidant
GuideOne Insurance
HCA Healthcare
Healthcare professionals
High-net-worth individuals

Honda
Honeywell
Johns Mansville
Kubota Tractor
Larry H. Miller Group
Lawyers and law firms
LifePoint Hospitals
Lockheed Martin
Marriott Hotel Services

Pro Bono

WTO represented the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Association of Home Appliance Manufacturers as *amici curiae* in support of a consumer product manufacturer’s Rule 23(f) appeal to the U.S. Court of Appeals for the Eleventh Circuit.

On behalf of a Navy nurse and corpsman, WTO lawyers successfully appealed a decision by the Office of the Inspector General, Department of Health and Human Services, to impose on our client a mandatory five-year exclusion from working in any federally funded healthcare program, which jeopardized her Navy service. WTO showed why the decision was not warranted or authorized under current statutes. Ultimately, the Inspector General withdrew the exclusion, effectively dropping the case and allowing our client to return to healthcare work and continue her military service.

Through a federal court pro bono program, WTO partnered with the Colorado Prison Law Project to provide counsel and assistance to a prisoner asserting constitutional violations against the federal government for injuries he suffered while prison guards were conducting cell searches. WTO worked with and mentored the CPLP to obtain a favorable settlement for the client.

WTO lawyers are negotiating access rights as part of an entitlement claim on behalf of more than two dozen families and landowners in matters relating to a large tract of land originally administered under a land grant dating back to Spanish colonial rule in southern Colorado.

The ethical rules of some state bars require us to identify this Review as advertising material and to remind you that the case descriptions included herein are not guarantees of similar results for all clients.

RECOGNITIONS

In 2013, *Colorado Super Lawyers* ranked WTO chairman Michael O’Donnell the number-one lawyer in Colorado based on input from colleagues and peers. In 2014 (list to be published in March), WTO is home to 26 Super Lawyers and 17 Rising Stars. The list includes two lawyers in the Top 10 (O’Donnell and Malcolm Wheeler), two among the Top 50 Women Lawyers in Colorado (managing partner Carolyn Fairless and Gwen Young), and another 10 WTO lawyers among the Top 100 Lawyers in Colorado (including Scott Barker, John Fitzpatrick, WTO president Hugh Gottschalk, Kevin Kuhn, Raymond Martin, Craig May, Habib Nasrullah, Terence Ridley, Edward Stewart, and Jack Trigg).

Benchmark Litigation 2014 named WTO among its top four highly recommended Colorado litigation firms. It includes 12 WTO partners—Scott Barker, Mark Clouatre, Carolyn Fairless, John Fitzpatrick, Hugh Gottschalk, James Hooper, Kevin Kuhn, Habib Nasrullah, Michael O’Donnell, Edward Stewart, Malcolm Wheeler, and Michael Williams—on its list of 41 Colorado Litigation Stars. Partner Andrew Efav is listed among its nine Colorado Future Stars.

Benchmark Appellate 2014 chose John Vaught as a Tenth Circuit Litigation Star.

For 2014, *Best Lawyers* named Michael O’Donnell the Denver legal malpractice defense lawyer of the year and Hugh Gottschalk the Denver intellectual property lawyer of the year.

Law Week Colorado’s 2013 “Barrister’s Best” named Kevin Kuhn best medical malpractice defense lawyer and Michael Williams best class action/mass tort defense lawyer.

Martindale-Hubbell awarded the AV rating to Bryan Cross, LaMar Jost, and Andrew Unthank, bringing WTO’s number of AV-rated lawyers to 24.

The Denver Business Journal chose Scott Barker for its list of “Who’s Who in Energy Law.”

Michael O’Donnell was selected for induction into the International Academy of Trial Lawyers and elected to a four-year term on the 15-member Board of Regents of the American College of Trial Lawyers.

PUBLIC SERVICE

Many WTO lawyers serve on boards of directors of nonprofit organizations and perform other public service.

John Vaught was elected president-elect of the Denver Bar Association for 2013. His term as president begins July 1, 2014. He also was named chair of the newly formed Colorado Bar Association Military & Veterans Affairs Section.

Gwen Young was elected as the 2014 board chair of the American Civil Liberties Union of Colorado.

Maytag
Media News Group
Medical Protective
MedStar Health
Mercedes-Benz USA
Meritain Health
MetLife
Mitsubishi
Motor Coach Industries

Munich Reinsurance
MWH Global
Nationwide Insurance
New Global Telecom
Northrop Grumman
OneBeacon Professional
Insurance
PACCAR Inc.
Pediatrix Medical Group

PepsiCo
Pfizer
PNC Mortgage
Premier Insurance
Presbyterian Hospital Services
(NM)
Quest Diagnostics
QEP Resources
Real estate developers

Red Robin Gourmet Burgers
Sears Roebuck & Co.
SpartanNash
Swiss Re
Terex
The Hartford Insurance Group
The Ritz Carlton, Denver
Toyota
Tracker Resources

Travelers
U-Haul
United Airlines
United Continental Holdings
Universal Health Services
University of Colorado
U.S. Olympic Committee
United States Automobile
Association

Vail Resorts
Velan
Vestas Wind Systems
Volvo Trucks North America
Westport Insurance
Whirlpool
WhiteWave
Yum! Brands

Mark Cloutre was elected to the board of directors of the Colorado Judicial Institute.

Miko Brown was elected to the board of directors for the Center for Legal Inclusiveness.

Kendra Beckwith was elected to the board of directors for the Faculty of Federal Advocates.

Chief Judge Marcia Krieger of the U.S. District Court for the District of Colorado appointed Habib Nasrullah to the Magistrate Judge Selection Committee.

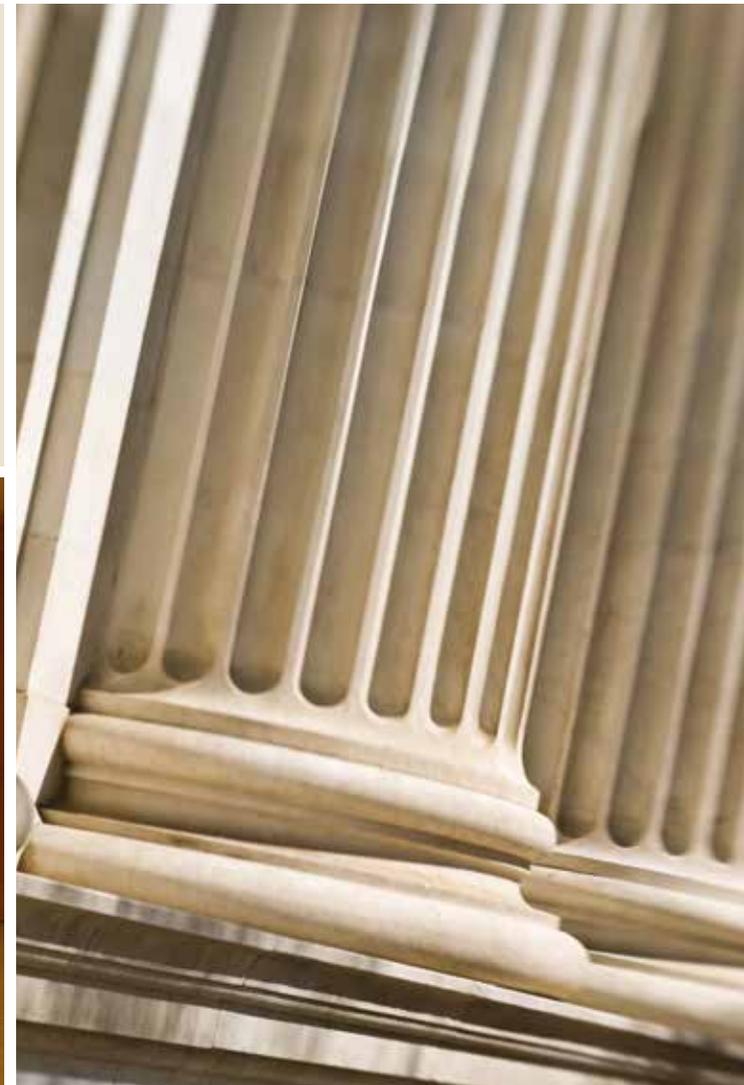
Edward Stewart was appointed co-chair of the Federation of Defense & Corporate Counsel Trial Masters Program Committee.

Kara Rosenthal was elected to replace Kevin Kuhn, who had served since 2005, on the CU School of Medicine Admissions Committee.

Colorado Congressman Mike Coffman appointed Michael Song to his Service Academies Nominations Committee.

“This relatively compact firm punches well above its weight.”

– Chambers USA 2013



Wheeler Trigg O'Donnell FOUNDATION



The Wheeler Trigg O'Donnell Foundation (WTOF) was established in September of 2005 to provide, through charitable activities and programs, opportunities for WTO lawyers, staff, and families to build a caring community and to reach out to others.

Since it was established, the Foundation has donated over \$1,000,000 and thousands of volunteer hours to various nonprofit organizations working in the areas of legal services, education, homelessness and poverty, youth services, hunger, animal protection, disease treatment and prevention, military veterans, and arts and culture.

2013 HIGHLIGHTS

The Gathering Place is Denver's only daytime shelter for women and children experiencing homelessness and poverty. An ever-changing cadre of volunteers cooked and served a hot breakfast to well over 100 women and children on each of six mornings in the past year. In June, WTOF put together care packages of snacks and toys for the children who visit TGP when school is out for summer.

Legal Aid Foundation of Colorado raises money to provide free legal assistance to low-income Coloradans facing civil legal problems. WTO's associates donated over \$12,175 to make WTO

the top contributor in its size category in a citywide law firm fundraising competition.

Metro CareRing operates one of the largest food pantries in Denver. In the Denver Bar Association's annual citywide law firm donation drive, WTO raised \$6,850 in cash and nonperishable food items.

Susan G. Komen Foundation is the largest source of nonprofit funds dedicated to fighting breast cancer. WTOF volunteers raised \$1,700 and walked as a team in the Denver Race for the Cure.

November Foundation raises funds and awareness to treat and prevent prostate cancer. WTOF collected \$650 at its second annual Movember moustache fundraiser.

Girl Scouts of Colorado builds courage, confidence, and character for girls. WTO employees bought 400 boxes of Girl Scout cookies during an onsite sale hosted by an underprivileged Denver troop, and WTOF purchased uniforms for the girls.

American Lung Association is the leading U.S. organization working to save lives by improving lung health. WTOF volunteers raised \$2,500 and raced as a team in the Republic Plaza stair climb.

Colorado Flood Relief received a boost when WTOF aided three local nonprofit organizations in communities in which WTO employees live and which were hit hard by 2013 flooding. WTOF collected \$8,000 in cash, as well as clothing and food. During our fundraiser, one WTO paralegal baked 30 pies to auction for flood relief.





Denver Dumb Friends League rescues, shelters, and adopts out injured, abused, and neglected animals. WTOF volunteers raised over \$8,600 and walked as a team in the Furry Scurry.

Denver Urban Debate League helps students in Denver urban schools build academic and life skills through debate. WTOF co-sponsored the city championship and volunteers assisted as debate coaches and judges.

Denver Kids, Inc. offers one-to-one counseling and mentoring to help at-risk K-12 Denver Public School students graduate from high school. WTOF recruits mentors and helps Denver Kids holiday shop for their families.

In 2013, the Foundation donated over \$170,000 to 90 nonprofit organizations, including the following:

American Civil Liberties Union | ACLU Foundation of Colorado | Action Kivu | Alternatives to Violence Project | American Cancer Society | American Lung Association | American Red Cross | Animal House Rescue | Arvada Community Food Bank | Asian Pacific American Bar Foundation | Beacon of Hope | Big Brothers Big Sisters of Colorado | CASA of Adams & Broomfield Counties | Cat Care Society | Central Visitation Program | Children International | Children's Hospital | Children's Miracle Network | Children's Museum Denver | Civic Center Conservancy | Colorado Bar Foundation | Colorado Children's Chorale | Colorado Civil Justice League | Colorado Coalition for the Homeless | Colorado Fourteeners Initiative | Colorado Judicial Institute | Colorado Neurological

Institute | Colorado Trout Unlimited | Colorado Women's Bar Association | Community First Foundation | Community Food Share | Denver Active 20-30 | Denver Area Youth for Christ | Denver Bar Foundation | Denver Dumb Friends League | Denver Kids, Inc. | Denver Museum of Nature and Science | Denver Police Foundation | Denver Urban Debate League | Developmental Disabilities Resource Center | DU's Bridge Project | Evergreen Players | Florence Crittenton Services of Colorado | Food Bank of Oklahoma | Foothills Flood Relief Fund | Friends of Haven | Ghana Make a Difference | Girl Scouts of Colorado | House of Neighborly Service | Invest in Kids | Karis Community | Legal Aid Foundation of Colorado | Leukemia & Lymphoma Society | MaxFund Animal Adoption Center | Metro CareRing | Metro Volunteers | Minority Corporate Counsel Association | Misha May Foundation | Movember Foundation | Open Door Ministries | Phoenix Children's Hospital Foundation | Planned Parenthood Federation of America | Principia College | Project Angel Heart | Project Greer Street | Purple Door Coffee | Ronald McDonald House of Denver | Salvation Army | Sam Cary Bar Association | Southern Poverty Law Center | St. Vincent's Medical Center | Summer Scholars | Susan G. Komen Foundation | Teach for America | The Adoption Exchange | The Denver Hospice | The Gathering Place | United Way of Oklahoma | University of Colorado Foundation | University of Colorado School of Law | University of Denver Sturm College of Law | Urban Peak | Walking for Kids | Whirlpool Collective Impact Fund | Wildlands Restoration Volunteers | Willa's Wheels | Women's Bean Project | Women's Leadership Foundation | Young Survival Coalition-Tour De Pink



For more information on the WTO Foundation, visit us at <http://www.wtotrial.com/Foundation.aspx> or snap the QR code with your smartphone.



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– Client comment to *The Legal 500 US 2013*



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