



## DANIEL J. DELAY

### Associate

delay@wtotrial.com | P 303.244.1985

### EDUCATION

University of Denver Sturm College of Law, J.D., 2018

Ohio Wesleyan University, B.A., 2010, Economics

### GOVERNMENT SERVICE

Judicial Intern to The Honorable David Richman, Colorado Court of Appeals

Investigator, Office of the Colorado State Public Defender

### OTHER EXPERIENCE

Messner Reeves, LLP

### ADMISSIONS

Colorado

**Daniel DeLay defends health care professionals and organizations in complex medical malpractice disputes in jurisdictions throughout the country. He is a valuable advocate for his clients and has experience handling a wide range of courtroom activities, including *voir dire*, direct examination of experts and fact witnesses, and cross-examinations. Daniel also has served as second chair in two trials and one arbitration.**

### HIGHLIGHTS

- Won a defense jury verdict for healthcare professionals facing negligence claims in Seattle, Washington.
- Won a defense jury verdict in Hawaii for a hospital in a multi-million dollar wrongful death case.
- Won summary judgment in a medical malpractice case for a hospital and two physicians in New Mexico on plaintiffs' claims for "ordinary" negligence, negligence per se, breach of contract, and breach of express and implied warranty.
- Served as second chair in an arbitration defending a Fortune 500 client in a Fair Labor Standards Act claim in Kansas City, Kansas.
- Served as second chair in successfully defending an oral surgeon at a jury trial in El Paso County, Colorado, involving a third-molar extraction resulting in infection in which \$800,000 in damages were sought.
- Served as second chair in successfully defending a dentist at a jury trial in a \$1 million failure to diagnose cancer case in El Paso County, Colorado.

### INDUSTRIES

- Healthcare
- Professional Services

### PRACTICE AREAS

- Healthcare Professional Liability
- Catastrophic Injury Defense

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## BIOGRAPHY

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Daniel previously handled healthcare professional liability matters, along with employment and commercial litigation, as an associate in a national law firm's Denver office. He also brings to his client representation invaluable skills, experience, and perspectives gained from having been a founder and principal of a business providing legal-related and other consulting services, and an Investigator for the Office of the Colorado State Public Defender.

## CASES

- Won a defense jury verdict for healthcare professionals facing negligence claims in Seattle, Washington. The plaintiff claimed failure to timely diagnose cauda equina syndrome that led to permanent bowel and bladder incontinence. After plaintiff's counsel asked the jury for \$40 million, jurors returned a unanimous verdict for our clients.
- Won a defense jury verdict in Hawaii for a hospital in a multi-million dollar wrongful death case.
- Won summary judgment in a medical malpractice case for a hospital and two physicians in New Mexico on plaintiffs' claims for "ordinary" negligence, negligence per se, breach of contract, and breach of express and implied warranty.
- Served as second chair in successfully defending a dentist at a jury trial in a \$1 million failure to diagnose cancer case in El Paso County, Colorado.
- Served as second chair in successfully defending an oral surgeon at a jury trial in El Paso County, Colorado, involving a third-molar extraction resulting in infection in which \$800,000 in damages were sought.
- Served as second chair in an arbitration defending a Fortune 500 client in a Fair Labor Standards Act claim in Kansas City, Kansas.

## BAR & COURT ADMISSIONS

- Colorado  
U.S. District Court, D. Colorado

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## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- Colorado Defense Lawyers Association
- Colorado Hispanic Bar Association
- Defense Research Institute
- The Best Lawyers in America
  - Ones to Watch - Commercial Litigation, 2023-2027
  - Ones to Watch - Medical Malpractice Law - Defendants, 2023-2027

## PERSONAL INTERESTS

- Snowboarding, traveling, and rooting for the Denver Nuggets