

Andrew H. Myers

Partner

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Andrew Myers represents major companies facing high-profile claims at the trial and appellate levels. He brings diverse and special expertise to commercial, product liability, and professional liability matters, including defending medical professionals and healthcare companies against allegations of civil rights violations.

Andrew's recent experience includes serving as national coordinating counsel to a leading shipping company against FLSA collective actions and serving as lead counsel in complex multi-party actions against healthcare providers. Andrew has extensive experience handling mass and class-actions in various settings, including employment, healthcare, pharmaceuticals, and medical devices. He has developed significant experience addressing the laws and issues arising in complex mass and class actions, managing expert and *Daubert* strategy, and understanding

the application of complex litigation issues in court. He has also briefed numerous trial and appellate courts, including the U.S. Supreme Court.

Credentials

Education

University of California, Berkeley, School of Law, J.D., 2002

University of Colorado, B.A., *summa cum laude* with distinction, 1999; English Literature, Phi Beta Kappa

RECOGNITION

Benchmark Litigation

Under 40 Hotlist, 2017-2018, 2021

Future Star, 2023, 2025-2026

The Best Lawyers in America

Personal Injury Litigation - Defendants, 2022-2027

Colorado Rising Stars

Personal Injury Defense: Products, 2011-2017

LEGAL MEMBERSHIPS

Colorado Civil Justice League

President, Board of Directors, 2018-2019

BAR AND COURT ADMISSIONS

Colorado

U.S. District Court, D. Colorado

ARTICLES AND PRESENTATIONS

Presenter, "Directing Expert Witnesses," University of Wyoming Trial Institute.

Contributing Author, "Guidelines and Best Practices for Large and Mass-Tort MDLS," The Bloch Judicial Institute at Duke Law.

"The False Equivalence Motion: A Trend in Plaintiffs' Offensive Use of Daubert Challenges, DRI's RX for the Defense."

Presenter, "Cross Examination - What You Need to Know," Doyle Inn of Court CLE.

Presenter, "Using FDA Pronouncements to Defend Product Liability Claims," DRI Drug and Medical Device Conference.

Practices

Catastrophic Injury

Class Actions

Commercial Litigation

Employment/Class Actions

Healthcare Litigation

Product Liability

Cases

Served as bellwether selection/coordination counsel and won summary judgment in a case involving more than 1,000 patients alleging medically unnecessary treatment.

Obtained decertification of an FLSA conditional collective that had been certified before we took over the case. After the decertification decision was issued, lawyers for the plaintiffs conceded that another pending nationwide case—which we also were defending—should be decertified as well.

As first chair, won an eight-day arbitration in New York for a Fortune 50 company against a former supplier that brought discrimination and breach of contract claims and sought more than \$10 million in damages.

Defeated certification of a putative class of 20,000 California claimants alleging that our client was a "joint employer" and was liable for unpaid overtime and other wage-and-hour violations.

Won a week-long arbitration for a Fortune 50 company against a former supplier that brought improper termination and breach of contract claims and sought more than \$1 million in damages.

Won summary judgment for an international shipping company in a putative joint employment class action in federal court in Colorado.

Successfully resolved a series of cases against a healthcare provider arising out of three inmate deaths in one month in a New Mexico jail.

Won a defense verdict in Philadelphia for a hospital and its physician assistant who diagnosed muscle strain when in fact the plaintiff had an infection that resulted in the amputation of her leg. The jury agreed with our arguments that, given the circumstances, the original diagnosis was reasonable.

Won exclusion of a key plaintiff causation witness and summary judgment in a West Virginia case alleging that Pfizer's medication, Zolof, causes birth defects. As a result, the court granted summary judgment in Pfizer's favor less than three weeks before trial.

Called in two weeks before trial in Florida to defend a correctional healthcare provider in a case with 8-figure exposure involving an inmate's unsuccessful suicide attempt. Case settled successfully before trial.

Successfully excluded all of plaintiffs' general causation experts to help Pfizer secure summary judgment in federal Zolof birth defect MDL.

Contributed to summary judgment win for Pfizer in a Zolof birth defect case in Philadelphia.

Resolved a multimillion-dollar case arising from an inmate death in Colorado that attracted national press, including from CNN and The New Yorker.

Won exclusion of plaintiffs' general causation experts in multidistrict litigation involving more than 600 claimants alleging the antidepressant Zolof caused birth defects.

Obtained dismissal of class action allegations and 15 of 17 claims against Whirlpool in an environmental toxic tort case. Plaintiffs voluntarily dismissed their remaining claims after the court's ruling.

Won a defense verdict for Pizza Hut/Yum! Brands in a liability case involving traumatic brain injury and over \$3.5 million in damages following an accident involving a Pizza Hut delivery vehicle.

Obtained dismissal of claims against a manufacturer of high-end motorcycle parts in a product liability case in federal court in Colorado. Following dismissal of plaintiff's claims, our client was awarded over \$1 million on its counterclaim of payments owed.

Won an appeal for Pfizer in a groundbreaking preemption case before the Third Circuit.

Successfully tried to verdict a pro bono case in which our clients proved that Colorado's electronic voting systems had not been tested and certified in accordance with the law. The case led to major changes in Colorado election law.
