

Eric L. Robertson

Partner

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Eric Robertson specializes in complex, high-stakes commercial and class action litigation from conception through trial and appeal. Eric has tried a certified class action to a jury verdict; defended a \$70 million+ punitive damages case through trial; won multi-million dollar settlements in plaintiff-side business disputes on the eve of trial; argued and won motions in federal courts throughout the country; and authored appellate briefs in high-stakes cases in the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Circuits and the United States Supreme Court.

In addition to his trial experience, Eric regularly leads strategy in complex written arguments. He also leads an active pro bono practice, regularly representing indigent clients in federal court in Colorado.

Credentials

Education

University of Colorado Law School, J.D., Order of the Coif, 2011; *University of Colorado Law Review*, Casenote and Comment Editor

Boston University, B.S., *summa cum laude*, 2004; Film and Television

CLERKSHIPS

Law Clerk to The Honorable William W. Hood, III, Colorado Supreme Court

Law Clerk to The Honorable Michael L. Bender, Colorado Supreme Court

Law Clerk to The Honorable Alan M. Loeb, Colorado Court of Appeals

RECOGNITION

Colorado Super Lawyers

Rising Star, Business Litigation, 2019-2021

LEGAL MEMBERSHIPS

Colorado Bar Association

BAR AND ADMISSIONS

Colorado Supreme Court

U.S. Supreme Court

U.S. Court of Appeals, 10th Circuit

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, D. Colorado

U.S. District Court, E.D. Michigan

U.S. District Court, E.D. North Carolina

U.S. District Court, W.D. Michigan

ARTICLES AND PRESENTATIONS

Presenter, "Damages Models in Consumer Class Actions," The Opposing Class Certification Webinar by Strafford Publications.

"A Fundamental Right to Read: Reader Privacy Protections in the U.S. Constitution," 82 U. Colo. L. Rev. 307.

Practices

Appellate

Class Actions

Commercial Litigation

Pro Bono

Cases

APPELLATE

Won Colorado Supreme Court reversal of a unanimous court of appeals ruling in a case of national importance to the insurance industry. In its ruling for Travelers, the Court held that the "notice-prejudice rule" does not apply to "no-voluntary-payment" provisions in insurance policies. This was our fifth consecutive, fully-argued victory before the Colorado Supreme Court in two-and-a-half years. Law360 named Stresscon one of the top five insurance rulings of 2016.

Authored an amicus brief on a question certified from the Second Circuit urging New York's highest court not to adopt cross-jurisdictional class action tolling.

Authored a petition for permission to appeal under 28 U.S.C. § 1292(b) concerning two important and unsettled questions of class action tolling.

CLASS ACTIONS

Drafted a winning motion to dismiss in a consumer class action litigation for Whirlpool resulting in exclusion of claims and plaintiffs in 42 states.

Authored a Rule 23(f) petition for interlocutory review from an order partially granting class certification.

COMMERCIAL LITIGATION

Won an arbitration ruling for \$2.9 million, including punitive damages, for an investment fund misled into overpaying for an oil field services company based on misrepresentations made during the sale and omissions made during settlement negotiations regarding the sale.
