



ANDREW H. MYERS

Partner

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EDUCATION

University of California, Berkeley -
Boalt Hall School of Law, J.D., 2002

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

OTHER EXPERIENCE

Arnold & Porter LLP

ADMISSIONS

Colorado

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.

HIGHLIGHTS

- Obtained decertification of an FLSA conditional collective that had been certified before WTO took over the case. After the decertification decision was issued, lawyers for the plaintiffs conceded that another pending nationwide case—which WTO also is 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 class certification in 20,000 claimant "joint employer" case in California.
- As first chair, won a three-day 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.
- Serve as national coordinating counsel to a major transportation company in FLSA collective action and individual and class wage and hour claims.
- Successfully resolved a series of cases against a healthcare provider arising out of three inmate deaths in one month in a New Mexico jail.

INDUSTRIES

- Medical Devices & Pharmaceuticals
- Trucking
- Consumer Products & Services

PRACTICE AREAS

- Commercial Litigation
- Class Actions
- Employment
- Healthcare Professional Liability
- Product Liability
- Catastrophic Injury Defense

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BIOGRAPHY

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 handling a portfolio of complex multidistrict litigation involving popular antidepressants. Andrew has developed significant experience addressing the laws and issues arising in complex mass actions, managing expert and *Daubert* strategy, and understanding the application of complex issues in court. He has also briefed numerous trial and appellate courts, including the U.S. Supreme Court.

CASES

- Obtained decertification of an FLSA conditional collective that had been certified before WTO took over the case. After the decertification decision was issued, lawyers for the plaintiffs conceded that another pending nationwide case—which WTO also is 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 WTO's client was a "joint employer" and was liable for unpaid overtime and other wage-and-hour violations.
- As first chair, won a three-day 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.
- Serve as national coordinating counsel to a major transportation company in FLSA collective action and individual and class wage and hour claims.
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- Won a defense verdict in Philadelphia, during the week of Christmas, 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 WTO's 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, Zoloft, 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 Zoloft birth defect MDL.
- Contributed to summary judgment win for Pfizer in a Zoloft 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 Zoloft 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, WTO's 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.

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- 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.

REPRESENTATIVE CLIENTS

- Guidant - National Trial Counsel
Pfizer

BAR & COURT ADMISSIONS

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

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- Benchmark Litigation
Under 40 Hotlist, 2017-2018, 2021
Future Star, 2023
The Best Lawyers in America
Personal Injury Litigation - Defendants, 2022-2024
Colorado Rising Stars
Personal Injury Defense: Products, 2011-2017
Law Week Colorado
Up-and-Coming Lawyers, 2008
Colorado Bar Association
Colorado Civil Justice League
President, Board of Directors, 2018-2019

ARTICLES & PRESENTATIONS

- Contributing Author, "Guidelines and Best Practices for Large and Mass-Tort MDLS," The Bloch Judicial Institute at Duke Law, (September 2018).
- "The False Equivalence Motion: A Trend in Plaintiffs' Offensive Use of *Daubert* Challenges, DRI's *RX for the Defense*," (April 17, 2017).
- Presenter, "Cross Examination – What You Need to Know," Doyle Inn of Court CLE, (February 15, 2017).
- Presenter, "Using FDA Pronouncements to Defend Product Liability Claims," DRI Drug and Medical Device Conference, (May 14, 2009).

PERSONAL INTERESTS

- Coaching high school mock trial team, golf, and playing poker