



## ERIC L. ROBERTSON

### Partner

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**Eric Robertson represents product manufacturers and business clients in high-stakes and technical litigation. He focuses his practice on class actions, complex commercial, and appellate litigation, with a particular emphasis on matters involving alleged misrepresentation.**

### EDUCATION

University of Colorado Law School,  
J.D., 2011

Order of the Coif

*University of Colorado Law Review*,  
Casenote and Comment Editor

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

### GOVERNMENT SERVICE

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

### OTHER EXPERIENCE

Caplan and Earnest, LLC

Law Clerk

Altitude Sports & Entertainment  
Chyron Operator

### ADMISSIONS

Colorado

### HIGHLIGHTS

- Defeated a nine-figure class action for a major insurer in Washington.
- Successfully represented a party in a \$2 billion dispute surrounding the future ownership of the Broncos NFL franchise and family trust.
- Authored amicus brief on a question certified from the Second Circuit urging New York's highest court not to adopt cross-jurisdictional class action tolling.
- Won summary judgment against certified, seven-state class action alleging false labeling and breach of warranty.
- Achieved a highly favorable settlement for an incarcerated *pro bono* client who had sued the Colorado Department of Corrections in federal court for First Amendment retaliation.
- Authored Rule 23(f) petition for interlocutory review from order partially granting class certification.
- Won an arbitration award for \$2.9 million, including punitive damages, for an investment fund in a dispute involving the acquisition of an oil field services company.

### INDUSTRIES

- Consumer Products & Services

### PRACTICE AREAS

- Appellate
- Class Actions
- Commercial Litigation

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## BIOGRAPHY

Eric Robertson represents product manufacturers and business clients in high-stakes and technical litigation. He focuses his practice on class actions, complex commercial, and appellate litigation, with a particular emphasis on matters involving alleged misrepresentation.

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.

Prior joining Wheeler Trigg O'Donnell in 2014, Eric served as a law clerk to Justice William W. Hood, III and Chief Justice Michael L. Bender of the Colorado Supreme Court and Chief Judge Alan M. Loeb of the Colorado Court of Appeals.

## CASES

- Defeated class certification and won summary judgment a month before trial in a nine-figure, 80,000 member class action brought against a major insurer in Washington. The plaintiffs claimed WTO's client violated an insurance regulation governing how insurers must value total loss vehicles.
- Successfully represented a party in a \$2 billion dispute surrounding the future ownership of the Broncos NFL franchise and family trust.
- Won summary judgment against a certified, seven-state class action alleging false labeling and breach of warranty.
- Authored amicus brief on a question certified from the Second Circuit urging New York's highest court not to adopt cross-jurisdictional class action tolling.
- Achieved a highly favorable settlement for an incarcerated *pro bono* client who had sued the Colorado Department of Corrections in federal court for First Amendment retaliation.
- Authored Rule 23(f) petition for interlocutory review from order partially granting class certification.
- 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.
- Authored petition for permission to appeal under 28 U.S.C. § 1292(b) concerning two important and unsettled questions of class action tolling.

# ERIC L. ROBERTSON

- Drafted a winning motion to dismiss in consumer class action litigation for Whirlpool resulting in exclusion of claims and plaintiffs in 42 states.
- 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 WTO's 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 Rule 23(f) petition for interlocutory review following order partially granting class certification.

## BAR & COURT ADMISSIONS

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

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- *Colorado Rising Stars*  
Business Litigation, 2019-2021  
Colorado Bar Association

## ARTICLES & PRESENTATIONS

- Presenter, "Damages Models in Consumer Class Actions," The Opposing Class Certification Webinar by Strafford Publications, (August 8, 2019).
- "A Fundamental Right to Read: Reader Privacy Protections in the U.S. Constitution," 82 U. Colo. L. Rev. 307, (2011).