



## MEGHAN FREI BERGLIND

### Of Counsel

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**Meghan Frei Berglind is an experienced advocate who helps clients in complex appeals and critical motions practice. She has represented sophisticated companies and government agencies in high-stakes trials and appeals, including as lead counsel for the Social Security Administration against one of the largest disability fraud schemes in U.S. history.**

### EDUCATION

Cornell Law School, J.D., 2000,  
*cum laude*, Cornell Law Review,  
Production Editor

Boston University, B.A., 1997,  
political science, *magna cum laude*

### GOVERNMENT SERVICE

Social Security Administration,  
Assistant Regional Counsel

### OTHER EXPERIENCE

Brownstein Hyatt Farber Schreck,  
Associate  
Kirkland & Ellis, Associate

### ADMISSIONS

Colorado

### HIGHLIGHTS

- Won a \$50M Colorado Supreme Court Victory for Denver International Airport
- Serve as national coordinating counsel to a major transportation company in collective, class, and individual wage and hour claims.
- Defeated certification in California federal court of a putative class of more than 5,000 who accused WTO's shipping company client of both misclassification and joint employment and sought recovery under a variety of California federal wage and hour laws.
- Successfully defended new congressional districts to the Colorado Supreme Court.
- Won a precedent-setting victory in a medical malpractice appeal involving application of Colorado's collateral source rule in cases under the Health Care Availability Act (HCAA).
- On behalf of a nationwide appliance retail and repair company, successfully defended the constitutionality of a statutory cap on noneconomic damages.
- Represented a national homebuilding company before the Colorado Supreme Court in a case presenting questions of first impression under the economic loss rule.

### INDUSTRIES

- Consumer Products & Services
- Real Estate
- Financial Services

### PRACTICE AREAS

- Appellate
- Commercial Litigation
- Class Actions
- Product Liability
- Employment

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## BIOGRAPHY

Meghan Frei Berglind guides sophisticated clients through critical trial motions and briefings and major appeals. She is especially valuable when handling complex and novel issues that require significant preparation and detailed analysis—including when time is short.

Meghan's unique trial and appellate experience sets her apart. Recent examples of her work include helping a Fortune 500 client successfully defend against an unprecedented nationwide mass arbitration attack; representing the Independent Colorado Congressional Redistricting Commission before the Colorado Supreme Court in fast-moving litigation involving the release of 2020 census data; and serving on WTO's national coordinating counsel team to a Fortune 150 transportation company for precedent-setting individual and class wage-and-hour actions.

Meghan has briefed and argued important matters in federal and state courts nationwide. Prior to joining WTO, she served as lead counsel for the Social Security Administration against one of the largest disability fraud schemes in U.S. history. Meghan's range of experience, along with her blend of trial and appellate backgrounds, helps inform client strategies to position cases for successful appeals.

Meghan's appellate experience extends to the Colorado Supreme Court and Court of Appeals and the U.S. Courts of Appeals for the Federal, Sixth, Eighth, Ninth, and Tenth Circuits.

## CASES

### Appeals

- Won a \$50 million Colorado Supreme Court victory for Denver International Airport, overturning adverse bench trial and lower appellate court opinions and creating precedent that prohibits putative plaintiffs from using delay tactics to gain an unfair advantage in litigation.
- Successfully defended Colorado's new congressional map to the Colorado Supreme Court in a fast-paced appeal. The appeal raised complicated, novel questions of constitutional law, and was the first time the court applied Colorado's new laws governing congressional redistricting. Over a dozen parties filed briefs, and argument was held less than two weeks after the Commission adopted the map.
- Won a precedent-setting victory in an appeal of a medical malpractice case involving the Colorado Health Care Availability Act's collateral source provision and \$1 million damages cap.
- On behalf of a nationwide appliance retail and repair company, successfully defended the constitutionality of a statutory cap on noneconomic damages.

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- Represented a national homebuilding company before the Colorado Supreme Court in a case presenting questions of first impression under the economic loss rule.
- Successfully defended a favorable class certification ruling in the Ninth Circuit on behalf of a major shipping logistics company.
- Won before the Colorado Supreme Court in a fast-moving original jurisdiction case for the Colorado Independent Congressional Redistricting Commission. The decision sets critical precedent affirming the Commission's constitutional independence to draw boundaries for Colorado's eight congressional districts before the 2022 election. WTO prevailed for the Commission against Colorado's legislature, governor, attorney general, and secretary of state.
- Represented a temporary staffing agency at certiorari-level review in the appeal of the largest individual personal injury judgment in Colorado history.
- Drafted and filed an amicus brief with the Colorado Supreme Court for the International Association of Defense Counsel that addressed a Colorado trial court's obligation to consider the proportionality of discovery requests under the Colorado Rules of Civil Procedure, 2015 amendments.
- Authored amicus brief for the Product Liability Advisory Council urging affirmance of holding that state law consumer fraud claims against drug manufacturer were preempted under the Supreme Court's impossibility preemption principles.
- Prepared an amicus brief on behalf of the American College of Obstetricians and Gynecologists in case involving the reliability of expert testimony under Colorado law.
- Served as lead counsel in 11 appeals in the U.S. Court of Appeals for the Ninth Circuit. Presented oral arguments in five of these.

## **Trials & Litigation**

- Serve as national coordinating counsel to a major transportation company in collective, class, and individual wage and hour claims.
- Defeated certification in California federal court of a putative class of more than 5,000 who accused WTO's shipping company client of both misclassification and joint employment and sought recovery under a variety of California federal wage and hour laws.
- Defeated an attempt by plaintiffs to convert an FLSA collective action into a hybrid collective/class action through the late addition of state-law class claims.
- Following WTO's successful opposition to class certification for an appliance manufacturer, drafted a comprehensive summary judgment motion in a 10-plaintiff, 7-state case that triggered a favorable non-class settlement.

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- Defended against federal employee actions, including arbitrations and actions before the Equal Employment Opportunity Commission and Merit Systems Protection Board.
- Led the legal team defending the Social Security Administration against litigation arising from one of the largest disability fraud schemes in U.S. history, including claims brought under the due process clause of the U.S. Constitution and the Administrative Procedures Act, with litigation reaching the U.S. Court of Appeals for the Sixth Circuit.
- Participated in four jury trials, conducting witness direct and cross examination, and arguing directed verdict motions.

## BAR & COURT ADMISSIONS

Colorado

U.S. Court of Appeals, 10th 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. Court of Appeals, Federal Circuit

U.S. District Court, D. Colorado

U.S. District Court, D. New Mexico

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

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Cornell Law School

Vice President, Mary Kennedy Brown Society

Colorado Bar Association

Colorado Defense Lawyers Association

Social Security Administration

2018 General Counsel's Excellence-in-Service Award

American Bar Association

Colorado Women's Bar Association

Denver Bar Association

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Stanley British Primary School, Board of Trustees

# MEGHAN FREI BERGLIND

## ARTICLES & PRESENTATIONS

### Presentations

- Co-presenter, "Appellate Preservation in State & Federal Colorado Courts," Denver City Attorney's Office, (August 9, 2023).