



## DANIEL N. NIGHTINGALE

### Associate

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Daniel Nightingale represents clients in high-stakes appeals and commercial litigation nationwide. He primarily helps clients navigate challenging cases on appeal and through major motions practice. Dan has briefed and argued cases in courts across the country, including the U.S. Supreme Court and four federal circuit courts. In fact, one of his amicus briefs was quoted in a 2022 Supreme Court concurrence.

### HIGHLIGHTS

- Won a pro bono Tenth Circuit appeal for a nonprofit taxpayer advocacy group.
- Representing a nonprofit advocacy organization in amicus briefs concerning speech restrictions before the U.S. Supreme Court.
- Representing a major automobile insurance company in a Ninth Circuit appeal to preserve favorable summary judgment and class certification rulings in a nine-figure, 80,000 member class action challenging the insurer's method of calculating the value of total-loss vehicle claims.
- Represented a doctor and a law professor in preparation of amicus briefs in cases concerning military vaccine mandates for service members before the U.S. Supreme Court and the Fifth, Sixth, and Ninth Circuit Courts of Appeals.
- Representing a major manufacturer of garbage disposals in a products liability class action covering four states and involving thousands of putative class members.
- Represented a major kitchen appliance manufacturer in a products liability class action covering three states and including thousands of putative class members. The case settled on terms favorable to the client.
- Persuaded the Colorado Court of Appeals to accept discretionary appeal of a district court's order granting class certification in a case concerning Colorado's hospital lien statute.

### EDUCATION

University of Chicago Law School, J.D., 2015, elected to Order of the Coif, Kirkland and Ellis Scholar, Joseph Henry Beale Prize for Legal Research and Writing, The Chicago Journal of International Law – Comments Editor

, Truman State University  
B.S. 2011, *summa cum laude*

### GOVERNMENT SERVICE

Law Clerk to The Honorable Allison Eid of the Supreme Court of Colorado

Law Clerk to The Honorable Joseph Bianco of the U.S. District Court for the Eastern District of New York

Legal Intern, Attorney General of Texas, Office of the Solicitor General

Legal Intern, Office of the United States Attorney, Northern District of Illinois

### OTHER EXPERIENCE

Beck Redden LLP

### ADMISSIONS

Colorado  
Texas

### INDUSTRIES

- Automotive
- Consumer Products & Services
- Energy
- Insurance
- Medical Devices & Pharmaceuticals
- Oil & Gas
- Real Estate

- Appellate
- Class Actions
- Commercial Litigation
- Employment
- Mass Torts
- Catastrophic Injury Defense
- Product Liability

### PRACTICE AREAS

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## BIOGRAPHY

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In addition to his appellate practice, Dan also regularly supports trial teams with high level strategy, pre- and post-trial briefing, and complex legal analysis in order to maximize favorable results. He has also delivered opening statements, examined witnesses, and argued critical motions at trial.

Prior to joining WTO, Dan was an associate at a litigation boutique in Houston. He also served judicial clerkships in the Colorado Supreme Court and in the U.S. District Court for the Eastern District of New York.

## CASES

### Class Actions

- Representing a major automobile insurance company in defense of favorable summary judgment and class certification rulings on appeal before the Ninth Circuit in a nine-figure, 80,000 member class action challenging client's valuation methodology for total loss vehicles. Representing same client in similar cases across the country, including appeals in the Fifth and Sixth Circuits.
- Representing a major manufacturer of garbage disposals in a products liability class action covering four states and involving thousands of putative class members.
- Represented a major kitchen appliance manufacturer in a products liability class action covering three states and including thousands of putative class members. The case settled on terms favorable to the client.
- Persuaded the Colorado Court of Appeals to accept discretionary appeal of a district court's order granting class certification in a case concerning Colorado's hospital lien statute.
- Successfully defended the royalty interest owners of an oil well in the appeal of a \$150 million class action verdict against the first oil purchaser.

### Commercial

- Representing an oil and gas company as post-trial and appellate counsel to defend a verdict of over \$40 million in a complex commercial dispute involving an agreement to develop hydrocarbon assets.

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- Represented a medical device company in post-trial and appellate proceedings in a case presenting questions of first impression under Colorado products liability law.
- Representing an irrigation district in certiorari proceedings before the U.S. Supreme Court in a case concerning Congress's comprehensive regime for allocating water in the American West.
- Won affirmance of a favorable jury verdict for the general partner of a real estate company in a complex commercial dispute with limited partners.
- Represented a corporate owner of a Texas liquor permit in an appeal challenging the state's attempt to invalidate the permit. The Texas Supreme Court ultimately ruled for the owner client.
- Won a take-nothing judgment after a full bench trial for an oil company in an employment dispute with an executive.

## **Constitutional**

- Won reversal of an adverse standing ruling in the Tenth Circuit in a pro bono appeal for a nonprofit taxpayer advocacy group challenging state registration and disclosure regulations for organizations that meet certain spending thresholds.
- Representing a nonprofit advocacy organization in preparation of amicus briefs in cases concerning speech restrictions on undercover journalists and sidewalk counselors before the U.S. Supreme Court.
- Represented a doctor and a law professor in preparation of amicus briefs in cases concerning military vaccine mandates for service members before the U.S. Supreme Court and the Fifth, Sixth, and Ninth Circuit Courts of Appeals.
- Won reversal of multiple adverse rulings in the Fifth Circuit for a publisher raising First Amendment challenges to state statutes concerning 3-D printing instructions.
- Represented several minority groups in filing a U.S. Supreme Court amicus brief that was quoted in a concurring opinion in a landmark case that defines the scope of the Second Amendment.
- Represented the corporate agent of a hospital in an appeal seeking dismissal of a lawsuit that challenged the agent's First Amendment rights.
- Represented a victim of police brutality on a pro bono basis in a civil rights case against a sheriff's deputy.

## **Other Relevant Experience**

- Represented a motorcyclist on appeal defending a favorable jury verdict arising from a catastrophic accident. The case settled favorably while the appeal was pending.

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## BAR & COURT ADMISSIONS

Colorado

Texas

U.S. Supreme Court

U.S. Court of Appeals, 10th Circuit

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, D. Colorado

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

U.S. District Court, N.D. Texas

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America

Ones to Watch - Appellate Practice, 2024

Houston Bar Association

Houston Young Lawyers Association

The Federalist Society

## ARTICLES & PRESENTATIONS

### Articles

- Co-Author, "Take a Page From The Onion: A General Counsel's Guide to Effective Amicus Advocacy," *Corporate Compliance Insights*, (October 19, 2022).
- *Comment: Autonomous Weapons & the Problem of State Accountability*, 15 CHI. J. INT'L. L. 652 (February 2015).

## PERSONAL INTERESTS

- Swing dance, mountain climbing, international travel