



JEREMY A. MOSELEY

Partner

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Jeremy Moseley has significant experience managing mass and class action defenses nationwide. He has also won multiple complex commercial trials. Jeremy's experience includes such highly regulated industries as insurance, healthcare, medical devices, telecommunications, and oil and gas.

EDUCATION

Notre Dame Law School, J.D., 2005, *magna cum laude*
Notre Dame Journal of Law, Ethics & Public Policy, Executive Articles Editor
Harvard Journal of Law & Public Policy, Editor, 2004 National Symposium Issue

Pensacola Christian College, B.A., 2002, Pre-Law, *summa cum laude*
President's List

GOVERNMENT SERVICE

Senior Judicial Clerk to The Honorable Michael E. Hegarty, U.S. Magistrate Judge, United States District Court for the District of Colorado

Intern to The Honorable Monti L. Belot, United States District Court for the District of Kansas

OTHER EXPERIENCE

Foulston Siefkin LLP

ADMISSIONS

Colorado
Kansas
Montana

HIGHLIGHTS

- Won a defense jury verdict in New Mexico for USAA against underinsured motorist claims following a 2013 car accident.
- Defeated class certification and declaratory claims in a putative class action in Montana regarding USAA's handling of claims for medical payments coverage.
- Won a precedential Tenth Circuit opinion for an insurer to defeat a putative class action.
- As lead national trial counsel, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt create an MDL involving a medical device.
- Won a defense verdict for USAA in a bad faith jury trial in which the plaintiff claimed USAA must pay for a special run of bricks to fully repair the plaintiff's home.
- Represented seven codefendants in a property insurance class action lawsuit in Colorado. WTO lawyers served as liaison counsel and argued the successful motion for fee award of more than \$1.5 million.
- Twice won summary judgment for USAA against a putative class action involving alleged violation of Colorado law relating to Med-Pay benefits.

INDUSTRIES

- Consumer Products & Services
- Healthcare
- Medical Devices & Pharmaceuticals
- Professional Services
- Insurance

PRACTICE AREAS

- Class Actions
- Commercial Litigation
- Mass Torts
- Personal Injury Defense
- Product Liability
- Professional Liability

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BIOGRAPHY

Jeremy Moseley has significant experience managing mass and class action defenses nationwide. He has also won multiple complex commercial trials. Jeremy's experience includes such highly regulated industries as insurance, healthcare, medical devices, telecommunications, and oil and gas.

Jeremy serves as national strategy and defense counsel to GE Healthcare in the resolution of more than 750 personal injury and wrongful death claims involving one of its healthcare products. In this role, Jeremy has directly participated in more than 85 successful settlement negotiations. He also represents insurance giant USAA as national counsel for its medical payments or PIP coverage cases involving claims of bad faith nationwide, including handling class actions in multiple states. Prior to joining those client teams, Jeremy handled the defense of over 250 pediatric dental claims.

Jeremy is very knowledgeable of industries including medical devices and pharmaceuticals, insurance, extended care, professional services, and consumer products. He excels when the stakes are high and when the nature or volume of litigation creates complex challenges for which ready-made solutions may not exist. Jeremy's experience evaluating, prioritizing, and defending such matters helps clients strategize and make decisions at every stage of litigation.

Prior to joining WTO, Jeremy helped mediate approximately 200 settlement conferences as Senior Judicial Clerk to Magistrate Judge Michael E. Hegarty.

CASES

Class Actions

- Defeated class certification and declaratory claims in a putative class action in Montana regarding USAA's handling of claims for medical payments coverage.
- *Allen v. USAA*, 907 F.3d 1230 (10th Cir. 2018) - Won a published Tenth Circuit opinion for USAA, clarifying that a one-year time limit on medical payments coverage is permitted under Colorado law. The opinion also resolved a separate class action WTO had been defending, in which the Colorado Supreme Court declined to answer questions certified by the District of Colorado.
- *Snyder v. ACORD*, 2019 WL 319407 & 2016 WL 192270 (D. Colo.) - Represented seven codefendants in a property insurance class action lawsuit in Colorado. Plaintiffs claimed they were systematically underinsured in a "monumental" conspiracy, in violation of federal RICO and antitrust laws, and involving virtually all property insurers in Colorado as well as industry trade groups. WTO served as liaison counsel and argued the successful motion for the fee award of more than \$1.5 million.
- *Allen v. USAA* (D. Colo. 2017) - Obtained summary judgment for USAA against a putative class action alleging that USAA's time limitation on Med-Pay benefits violated Colorado law and that USAA failed to disclose the time limitation.

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- *Nguyen v. USAA CIC* (D. Colo. 2015) - Defeated putative class claims for bad faith and consumer protection act claims related to time limits for medical payments coverage.
- Represented Farmers Insurance in two Washington insurance class actions alleging unrepairable damage claims under UIM property-damage coverage.
- *Cortez v. USAA CIC* - Won summary judgment for USAA based on a plaintiff's lack of standing in a putative class action regarding the contractual time limitation for medical payments coverage.
- Successfully defended against class action allegations brought against a nursing home chain and its affiliated companies, resulting in a complete dismissal of all class claims.
- *Kail v. Whirlpool* (D. Colo. 2009) - Obtained a highly favorable non-class settlement in a putative, multistate class action involving Whirlpool-made wall ovens.
- Successfully represented a diagnostic testing company against class action allegations following a high-profile hepatitis outbreak at a hospital, and obtained a complete dismissal of all claims without any settlement payment by WTO's client.

Mass Torts

- *In re Gadolinium-Based Products Liability Litigation*, MDL No. 2868 (J.P.M.L. 2018) - As lead national trial counsel to GE Healthcare, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt create an MDL involving gadolinium-based contrast agents.
- Serve as national resolution counsel for GE Healthcare in pharmaceutical products liability litigation by providing strategic advice, overseeing the evaluation of hundreds of claims, and managing the day-to-day implementation of the client's strategic goals, resulting in the successful resolution of hundreds of millions of dollars in potential claims.
- Developed a novel argument for summary judgment in defense of GE Healthcare in its Omniscan litigation. The trial court granted summary judgment, and in 2015 the Sixth Circuit affirmed.
- Defended a pediatric dental practice group against over 250 claims of malpractice, resulting in a favorable settlement.

Insurance

- Won a defense jury verdict in New Mexico for USAA against underinsured motorist claims following a 2013 car accident. The jury found that the plaintiffs' alleged injuries were unrelated to the accident and decided in USAA's favor in less than 30 minutes.
- *Slavin v. Garrison Prop. & Cas. Ins.* (D. Colo. 2018) - Won a defense verdict for USAA/Garrison in a bad faith jury trial in which the plaintiff claimed USAA must pay for a special run of bricks in order to fully repair the plaintiff's home. A 12-member jury unanimously rejected the plaintiff's claims, agreeing that USAA had acted in good faith.

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- *Edwards v. USAA* (Colo. Boulder Cnty. Dist. Ct. 2017) - Won a defense verdict for USAA against a claim of negligent misrepresentation after a contentious appeal. After prevailing on eight claims on summary judgment, one claim was remanded for trial after an appeal. USAA won on the final claim after a six-day jury trial in Boulder County.
- *McNamara v. USAA* (Colo. Dist. Ct. Arapahoe Cnty. 2016) - Won a complete defense jury verdict for USAA in the first ever bad faith trial challenging USAA's handling of claims for medical payments coverage claims.
- Won a unanimous decision from the State of Colorado Multidistrict Litigation Panel defeating an effort to create a broad MDL for insurance bad faith cases that would have set a dangerous precedent in Colorado and other states. WTO successfully argued that the plaintiffs sought to incorrectly emphasize general claims handling guidelines over the individual claims decisions of each adjuster, and which could have been applied to any type of insurance coverage, not simply the cases at issue.
- *Jewkes v. USAA* (D. Colo. 2015) - Successfully defended insurer USAA in an insurance bad faith and breach of contract trial arising out of the devastating Waldo Canyon wildfire of 2012. The plaintiff voluntarily dismissed one claim the morning of trial, lost another claim, and was awarded just five figures on the third claim after having demanded more than \$1 million.
- Serve as consulting and monitoring counsel to USAA in bad faith lawsuits involving medical payments and PIP coverage nationwide.
- Won a unanimous jury defense verdict in a three-week trial in Denver District Court for USAA. WTO lawyers defeated breach of contract and bad faith claims in connection with USAA's refusal to provide coverage for a roof on the plaintiffs' property. The jury returned a complete defense verdict in less than one hour.

Commercial Litigation

- Represent manufacturers in matters involving potential exposure for claims related to various products and manufacturing processes.
- Advise manufacturers, distributors, and suppliers in litigation arising out of contractual disputes regarding questions of liability.
- Represented a commercial tenant in a lease dispute. After WTO won partial summary judgment, the case settled very favorably.
- Developed a novel argument for summary judgment in a case of first impression in Colorado. The case, which involved ERISA disputes and contractual time limitations, reached a favorable resolution for the client while the motion was pending.
- Represented a managing partner in a \$5 million suit between law firm partners with respect to claims of fraud and mismanagement. After a two-week trial, WTO's client prevailed on fraud and mismanagement claims, and the Court ordered an accounting and liquidation of the firm.
- Represented an oil and gas company in a breach of contract case concerning the purchase of oil and natural gas assets in Colorado.

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Other Relevant Experience

- Successfully appealed a family law matter of first impression in Kansas state court for a pro bono client.

REPRESENTATIVE CLIENTS

GE Healthcare - National Trial Counsel
USAA

BAR & COURT ADMISSIONS

Colorado
Kansas
Montana
U.S. Court of Appeals, 10th Circuit
U.S. District Court, D. Colorado
U.S. District Court, D. Kansas

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Benchmark Litigation

40 & Under National Star, 2019

Colorado Rising Stars

Insurance Coverage, 2018-2020

Class Action, 2016-2017

Business Litigation, 2014-2015

Personal Injury Defense: Products, 2012-2013

The Best Lawyers in America

Insurance Litigation, 2018-2020

Defense Research Institute

Claims & Litigation Management Alliance, Insurance Fraud Committee

Colorado Bar Association, Board of Governors, 2014 - present

Colorado Bar Foundation, Fellow

Colorado Judicial Institute

Colorado Bar Association

Denver Bar Association

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Board of Directors, Open Door Ministries

ARTICLES & PRESENTATIONS

- "Defending Against Reptile Theory in Depositions," presented to in-house counsel and adjusters at USAA (September 12, 2018).
- "The Fourth Amendment and Remote Searches: Balancing the Protection of 'The People' With the Remote Investigation of Internet Crimes," Notes, 19 Notre Dame J.L. Ethics & Pub. Pol'y 358 (2005).

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- "Company Stocks can be an Improper Investment for Employee Investment Programs," *Kansas Employment Law Letter*, Vol. 11, No. 5 (August 2004).

PERSONAL INTERESTS

Piano composition and arrangement, skiing, and hiking