



## JOEL S. NECKERS

### Partner

neckers@wtotrial.com | P 303.244.1966 | F 303.244.1879

**Joel Neckers represents sophisticated clients in trials and complex civil litigation, including commercial disputes, consumer class actions, professional liability claims, and cases involving catastrophic injury and wrongful death. Colorado Super Lawyers has named Joel a Rising Star in Class Actions and Mass Torts.**

### EDUCATION

University of Michigan Law School, J.D., 2004, *magna cum laude*

Order of the Coif

Hope College, B.A., 2001, Political Science, *magna cum laude*, Dean's Honors

### GOVERNMENT SERVICE

Law Clerk to The Honorable David W. McKeague, United States Court of Appeals for the Sixth Circuit and United States District Court for the Western District of Michigan

### OTHER EXPERIENCE

Latham & Watkins LLP (2005-2008)

### ADMISSIONS

Colorado  
Illinois

### HIGHLIGHTS

- Defeated a preliminary injunction sought by a former executive seeking to launch a competing business and take nearly \$200 million in investments with him.
- Won an arbitration award for an oil and gas client facing a \$50 million demand following an asset purchase.
- Won Seventh Circuit victory in a fee dispute for Whirlpool and Sears relating to front-loading washing machine litigation.
- Served as first chair in a two-week arbitration for a wind turbine manufacturer in a commercial dispute with a supplier.
- Won defense verdict for two neonatologists against negligence claims in Ohio.
- Obtained a favorable jury verdict in South Carolina for a national healthcare company in an admitted liability wrongful death case involving punitive damages.
- Obtained summary judgment for a commercial lender in a multimillion-dollar loan default lawsuit.

### INDUSTRIES

- Consumer Products & Services
- Healthcare
- Oil & Gas
- Professional Services
- Financial Services

### PRACTICE AREAS

- Class Actions
- Commercial Litigation
- Investigations & Compliance
- Healthcare Professional Liability
- Legal Professional Liability

# JOEL S. NECKERS

## BIOGRAPHY

Joel Neckers defends clients in high-stakes and high-profile litigation across the United States. His experience includes representing highly visible clients in numerous commercial disputes and consumer class actions. Joel also represents clients in complex civil litigation including shareholder disputes, professional liability claims, and claims involving catastrophic injuries and wrongful death.

## CASES

### Commercial Litigation

- Defeated a preliminary injunction brought by a former investment executive who sued to nullify a noncompete and launch a competing firm by taking 50 clients representing \$200 million in investments. Collaborating with another law firm, WTO showed in a two-day, federal court hearing that the former executive did not meet the requirements for injunctive relief. The Court agreed and denied the motion.
- Won an arbitration involving a \$50 million claim brought by a joint venture partner against WTO's oil and gas company client.
- Served as first chair in a two-week arbitration for a wind turbine manufacturer in a commercial dispute with a supplier.
- Obtained summary judgment for a commercial lender resulting in an award of more than \$2.5 million, including interest and legal fees, relating to an LLC's default on a condominium development loan.
- Won a bench trial in 2013 (including an award of attorneys' fees) on behalf of a national title insurance company in connection with a case involving the fraudulent sale of property.
- *Old Republic National Title Insurance v. Kornegay*, 292 P.3d 1111 (Colo. 2012) - Defended an appeal seeking to overturn district court prejudgment writs of attachment and motion dismissing counterclaims in fraud/civil theft case.
- *Vestas Blades v. Randall* (Colo. 2011) - Won a \$4.2 million judgment for a renewable energy client in a civil trial involving an executive's embezzlement from the company.
- Won arbitration, including an award of attorneys' fees, for a closely-held energy company based in Colorado in a case involving interpretation of a shareholder agreement and corporate governance issues.
- Won multiple temporary restraining orders and motions for preliminary injunctions after evidentiary hearings in cases involving breach of fiduciary duties and breach of contract.
- Served as second-chair in several arbitrations for one of the world's largest automobile manufacturers following the passage of Section 747 of the Consolidated Appropriations Act of 2010.
- Served as an expert witness for oil and gas company in attorneys' fee dispute.
- Secured early dismissal of financial services company in securities lawsuit.

# JOEL S. NECKERS

## Class Actions

- *In re Sears, Roebuck & Co. Front-Loading Washer Products Liability Litigation* (7th Cir. 2017) - Won unanimous Seventh Circuit victory in a fee dispute for Whirlpool and Sears arising out of a certified federal class action lawsuit that WTO favorably settled after winning a defense verdict in the bellwether trial of related claims.
- *Glazer v. Whirlpool* (N.D. Ohio 2014) - Won a complete defense jury verdict for Whirlpool in a \$66 million certified class action trial in Ohio involving allegedly "moldy" washing machines.
- *Brown v. Whirlpool* (N.D. Ohio 2014) - 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.
- Represented an automobile manufacturer and solar energy company in class actions involving consumer fraud and breach of warranty allegations.
- *Tietsworth v. Sears* (N.D. Cal. 2013) - Defeated a motion to certify a nationwide breach of warranty class in a case alleging that certain Kenmore washing machines contained defective electronic control boards that caused the machines to malfunction.
- *Savett v. Whirlpool* (N.D. Ohio 2012) - Secured dismissal with prejudice of a putative nationwide class action complaint alleging that certain Whirlpool washing machines were "mislabeled" with the Energy Star logo.

## Catastrophic Injury / Wrongful Death

- Won a defense jury verdict in Ohio for two neonatologists facing claims of negligently handling the care of a newborn baby.
- Obtained a favorable jury verdict in South Carolina for a national healthcare company in an admitted liability wrongful death case involving punitive damages.
- Won a complete defense verdict for a Florida hospital in a three-week medical malpractice trial. The case involved a baby who suffered cerebral palsy after a rare delivery complication. The plaintiff sued the hospital for \$7 million, claiming complications could have been avoided had a C-section been performed. The WTO team successfully argued the complication was unpredictable and unpreventable, and the doctors actually saved the mother and child.
- Won a defense verdict for a Washington D.C. hospital in a \$40 million medical malpractice lawsuit that involved a baby born with severe brain damage.
- Served as second-chair in a bench trial in Washington State in a lawsuit brought against a corporation and an individual involving allegations related to an alleged traumatic brain injury and secured favorable judgment in an admitted liability case.

## REPRESENTATIVE CLIENTS

CNA - National Trial Counsel

Sears Holdings Corp.

Universal Health Services - National Trial Counsel



# JOEL S. NECKERS

Volvo Cars of North America  
Whirlpool - National Trial Counsel

## BAR & COURT ADMISSIONS

Colorado  
Illinois  
U.S. Court of Appeals for the Seventh Circuit  
U.S. Court of Appeals for the Sixth Circuit  
U.S. District Court for the District of Colorado  
U.S. District Court for the Eastern District of Michigan  
U.S. District Court for the Northern District of California  
U.S. District Court for the Northern District of Illinois  
U.S. District Court for the Northern District of Indiana

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

2016 Outstanding Subcommittee Chair, Class Action and Derivative Suits  
Committee, ABA Section of Litigation  
*Colorado Rising Stars*  
Class Action/Mass Torts, 2014-2018  
Civil Litigation Defense, 2012-2013  
Business Litigation, 2011  
American Society of Legal Advocates  
40 Under 40 Litigation Lawyers in Colorado, 2013 and 2014  
*Benchmark Litigation*  
40 and Under Hotlist, 2018  
*Law Week Colorado's* Up and Coming Lawyers  
Finalist, 2009  
Federation of Defense & Corporate Counsel

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Colorado Coalition for the Homeless  
Board Member

## ARTICLES & PRESENTATIONS

### Articles

- "An Overview of *Cy Pres* Distributions of Class Action Settlement Funds," ABA podcast (April 1, 2016).
- "Defending Rule 30(b)(6) Depositions In Professional Liability Cases," *An ExecSense eBook*, Digital Thought Leadership (February 2013).

### Presentations

- "Breaking Bad, All the Time: White Collar Crime Problems for Business Lawyers," panel presented at the Network of Trial Law Firm's Litigation Management, Defend and Protect seminar (November 2013).

# JOEL S. NECKERS

- "Not in That Backyard: A Practitioner's Guide to Venue Challenges and Enforcing Forum-Selection Clauses," presented to the International Association of Defense Counsel (August 21, 2013).

## Newsletters

- Law Firms are Attractive to Hackers

## PERSONAL INTERESTS

Skiing, rock climbing, running, travel