



EDWARD C. STEWART

Partner

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Ed Stewart represents automakers and other manufacturers in product liability, class action, and complex commercial litigation. He has tried 27 cases and three arbitrations to verdict or decision in 13 states.

EDUCATION

University of Wisconsin Law School, J.D., 1991, *cum laude*
Wisconsin Law Review, Note and Comment Editor

University of Missouri, B.A., 1988, English; Political Science, *summa cum laude*

OTHER EXPERIENCE

McDermott, Will & Emery,
Chicago, Illinois

ADMISSIONS

Illinois
Colorado

PRACTICE AREAS

- Commercial Litigation
- Personal Injury Defense
- Mass Torts
- Product Liability

BIOGRAPHY

Edward Stewart's litigation practice focuses on the defense of product liability, class actions, and complex commercial cases for major manufacturers. He has particular experience defending consumer class actions involving automobile and home appliance product-defect claims. Ed has represented Ford Motor Company for years as national trial counsel on several product lines. He also has experience defending clients in the trucking industry.

Ed has tried 27 cases to verdict and three arbitrations to decision in 13 states across the U.S.

CASES

- *Walker v. Ford Motor Co.*, 2017 CO 102 - Won a significant victory for Ford Motor Co. in the Colorado Supreme Court. The case, reestablishes that the risk-benefit test is the appropriate test for juries to assess whether a product has been defectively designed. The Court also held that a manufacturer could not be negligent if it designed a "reasonably safe" product.
- *Magill v. Ford Motor Co.* (Colo. Sup. Ct. 2016) - Won a Rule 21 petition (an "extraordinary remedy") for Ford to the Colorado Supreme Court in a case involving general jurisdiction and venue claims. The opinion makes it harder for companies with no connection to Colorado to be sued in the state.
- *Dukes v. Michelin* (Nineteenth Jud. Cir. St. Lucie Cnty. FL 2016) - Won a complete defense jury verdict for Michelin following a nine-week trial in Florida in which the plaintiffs requested damages in excess of \$80 million. WTO attorneys demonstrated that Michelin's tire was not defective, was well-designed and well-manufactured, and had been previously damaged during its service life. The jury found Michelin not liable for the accident.
- *Allen v. Michelin* (Ariz. Sup. Ct. Mohave Cnty. 2015) - Won a unanimous defense verdict for Michelin North America following a three-week trial in Arizona state court. The plaintiff demanded \$20 million in actual and punitive damages, claiming our client's tire separated and caused a rollover accident that resulted in severe injuries. Michelin was found not at fault on all claims.
- *Walker v. Ford* (Colo. App. 2015) - Won reversal of a 2013 jury verdict against Ford Motor Co. in a case that alleged strict liability and negligence relating to a rear-end collision in a 1998 Ford Explorer. The Court of Appeals concluded that the application of consumer expectation as a standalone test in Colorado's pattern jury instructions does not comply with Colorado law as established by the Colorado Supreme Court in *Camacho v. Honda Motor Co.* (1987).

EDWARD C. STEWART

- *Hoffman v. Ford* (10th Cir. 2012) - Won Tenth Circuit reversal of a federal district court jury verdict favoring the plaintiff and secured a judgment in favor of Ford Motor Co. in a product liability case involving a rollover crash in which the plaintiff was rendered a quadriplegic.
- *Schanel v. Ford* (Colo. Ct. App. 2012) - Defended the appeal to the Colorado Court of Appeals of a 2010 jury verdict that WTO won on behalf of Ford Motor Company in an electronic throttle product liability case.
- *WhiteWave Foods, Co. v. Northland Organic Foods* (Boulder Cnty. Dist. Ct. 2011) - Won a verdict in Boulder District Court of Colorado in favor of a food production company in a breach-of-contract action it brought against the sole shareholder and officer of an organic food production company.
- Co-managed with one other law firm the response to requests from 418 dealers for arbitration relating to the bankruptcy of Chrysler Group LLC and following Chrysler's termination of those dealerships. WTO litigated 187 of these Section 747 arbitrations, and, as directed by Congress, resolved all of the litigation within seven months.
- *In re Ford Explorer Cases* (Cal. Sacramento Cnty. Super. Ct. 2007) - Defended Ford Motor Co. in a four-month certified class action trial involving \$2 billion in consumer fraud claims. On the day set for closing arguments, the plaintiffs agreed to a no-cash, coupon-based settlement for the California class and classes in three other states with pending parallel actions.
- Successfully defended Ford in a fraud case when the United States District Court for the Northern District of New York dismissed the plaintiffs' various consumer fraud claims.

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

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Board of Trustees

ARTICLES & PRESENTATIONS

- "Ethics, Social Media, and You," presented to the Association for Corporate Counsel, Colorado Chapter (December 4, 2013).
- "U.S. Bankruptcy Court," presented the Faculty of Federal Advocates' 2013 Trial Advocacy Workshop (September 20, 2013).
- "Take This and Google That - The Ethics of Social Media," presented to members of the Federation of Defense & Corporate Counsel (July 24, 2013).
- "Tick Tock: The Case on the Clock," presented at the Federation of Defense & Corporate Counsel 2013 Winter Meeting, San Antonio, Texas (March 2013).

EDWARD C. STEWART

- "Frequently Litigated Contract Provisions: Writing Contracts With Litigation In Mind," presented at a CLE seminar hosted by WTO (July 19, 2012).
- "Nightmare Clients: How to Deal with Impossible Clients, Witnesses and Opposing Counsel in Litigation," presented at the National Institute's CLE-accredited seminar (June 17, 2011).
- "Technology in the Courtroom," presented for the National Business Institute's Trial Masters Program (June 2011).
- "Materials for Courtroom Presentation: Tools and Techniques," presented to the Colorado Bar Association (June 2011).
- "Litigating Claims Involving Component Part Suppliers: A Manufacturer's Perspective" presented at the American Conference Institute's Annual Forum on Defending and Managing Automotive Product Liability Litigation (November 2009).
- "A Modest Proposal: 'Embrace the Enemy' to Make the Most of Third Parties' Spoliation of Evidence," presented at ABA Seminar: Emerging Issues in Automotive Product Liability Litigation (March 21, 2002).

PERSONAL INTERESTS

Skiing, travel, and wine collecting