



Theresa R. Wardon

Partner

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Theresa Wardon represents clients such as Ford, Michelin, and Whirlpool in high-stakes product liability and class action litigation, trials, and appeals nationwide. In 2017, the American Bar Association named Theresa one of the top 40 young lawyers in America in its annual "On the Rise" list.

EDUCATION

Northwestern University School of Law, J.D., 2008, *magna cum laude*

Order of the Coif
Northwestern University Law Review, Senior Articles Editor

Boston College, B.A., 2003, History, *summa cum laude*, with distinction of Scholar of the College
Phi Beta Kappa

GOVERNMENT SERVICE

Law Clerk to The Honorable Neil M. Gorsuch, United States Court of Appeals for the Tenth Circuit

ADMISSIONS

Colorado

PRACTICE AREAS

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

BIOGRAPHY

Theresa Wardon represents leading companies in complex commercial, class action, and product liability matters nationwide. In particular, she defends product manufacturers in personal injury and consumer class action lawsuits.

Theresa recently helped win defense verdicts for Michelin in Arizona and Florida jury trials with over \$100 million at stake. During the same time, she won "exceptional remedy" for Ford from the Colorado Supreme Court. In 2014, Theresa helped win a defense verdict for Whirlpool in a \$66 million certified class action jury trial in Ohio.

In 2017, the American Bar Association named Theresa one of the top 40 young lawyers in America in its annual "On the Rise" list. Additionally, Theresa represents asylum seekers, pro bono, fleeing extreme violence in their home countries. She serves on the governing board of The Gathering Place, Denver's only daytime shelter for women, children, and transgender individuals experiencing poverty. Before joining WTO, Theresa clerked for The Honorable Neil M. Gorsuch, then of the United States Court of Appeals for the Tenth Circuit.

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



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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).
- Defended a national food distributor in a tractor-trailer accident case in South Carolina.
- *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.
- Successfully appealed a decision by the Office of the Inspector General, Department of Health and Human Services, to impose on WTO's pro bono client, a Navy nurse and corpsman, a mandatory five-year exclusion from working in any federally funded healthcare program, which jeopardized her Navy service. WTO showed why the decision was not warranted or authorized under current statutes. The Inspector General withdrew the exclusion, dropping the case and allowing our client to return to military service.
- Defeated class certification for Nash Finch (now SpartanNash), a Fortune 500 food distribution company, in claims involving common law fraud, civil theft, and violations of the Colorado Consumer Protection Act stemming from complaints about a specific pricing program in various grocery stores. WTO then obtained summary judgment against the 55 named plaintiffs.
- *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.
- Negotiated access rights as part of an entitlement claim in a pro bono effort on behalf of more than two dozen families and landowners in matters relating to a large tract of land originally administered under a land grant dating back to Spanish colonial rule in southern Colorado.
- *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.

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

The Gathering Place

Board of Directors, 2012-present



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Law School . . . Yes We Can
Mentor

ARTICLES & PRESENTATIONS

- Co-author, "Reclaiming the Immigration Constitution of the Early Republic: Prospectivity, Uniformity, and Transparency," 96 Va. L. Rev. 359 (2010).

PERSONAL INTERESTS

Running, hiking, skiing, dance, and international travel