



JOHN M. VAUGHT

Partner

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John Vaught has extensive class action defense experience for insurance companies and currently serves as national trial counsel to USAA. John also has extensive securities litigation experience.

An AAA-trained mediator, John helps litigants resolve complex disputes outside of court. John is a past president of the Denver Bar Association and President-Elect of the Colorado Bar Association, to take office in 2018.

EDUCATION

St. Mary's University School of Law, J.D., 1978, *summa cum laude*

St. Mary's Law Journal, Associate Editor

Outstanding Commercial Law Graduate

Stephen F. Austin State University, B.S., 1969, Business and Economics
Student Body President, 1968-1969

GOVERNMENT SERVICE

Law Clerk to The Honorable Robert H. McWilliams, United States Court of Appeals for the Tenth Circuit

United States Navy, Lieutenant
Naval Advisory Group,
ISB Cho Moi, Republic of Vietnam
Department Head, U.S. Naval Communications Station, Italy

OTHER EXPERIENCE

Gibson, Dunn & Crutcher, LLP, Partner
Holland & Hart LLP, Partner

ADMISSIONS

Colorado
Texas (Inactive)

HIGHLIGHTS

- Extensive experience in the defense of scores of class actions over a 38-year career.
- Lead counsel in the mediation of hundreds of Colorado and out-of-state cases, including class actions.
- Extensive trial and appellate experience in courts ranging from the U.S. Supreme Court to numerous federal circuit courts and multiple federal district and state courts, including Washington, Oregon, Missouri, Illinois, Virginia, Oklahoma, New Mexico, Montana, Utah and Colorado.

INDUSTRIES

- Insurance
- Natural Resources
- Consumer Products & Services
- Financial Services
- Energy

PRACTICE AREAS

- Class Actions
- Appellate
- Personal Injury Defense
- Intellectual Property
- Commercial Litigation
- Investigations & Compliance
- Antitrust & Competition

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BIOGRAPHY

John Vaught represents the nation's leading insurers in complex insurance defense, including class actions, securities fraud class actions, corporate governance issues, liability and director and officer insurance disputes, trade secrets, intellectual property, commercial, and antitrust matters. John has successfully defeated motions for class certification (other than settlement classes) in dozens of major class actions he has handled involving insurance, securities fraud, and consumer products.

In addition, John has substantial litigation, mediation, and trial experience in the federal courts and in Colorado and Missouri involving complex commercial litigation, including the defense of class action litigation. His appellate experience includes the Tenth Circuit and the Colorado Supreme Court, as well as courts of appeals in Colorado and Missouri.

An AAA-trained mediator, John brings his extensive experience to bear for clients seeking to resolve complex disputes out of court. John has represented sophisticated clients in approximately 80 mediations over his career. Based on his broad experience, John understands that a mediator's attention to case details and appreciation of litigants' goals dramatically affects the process and likelihood of achieving resolution, and he brings this perspective to his role as a mediator.

John is President Elect of the Colorado Bar Association. He will begin his term as President in 2018.

CASES

Insurance

- *Edwards v. USAA*, (Colo. Boulder Cnty. Dist. Ct.) - 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.
- *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.
- Represented USAA as national trial and coordinating counsel in all medical payments and PIP lawsuits nationwide.
- Served as principal counsel to Allstate Insurance Company in purported class actions and non-class cases involving the alleged failure to properly offer extended PIP coverage to all its insureds in Colorado and regarding UM/UIM, motorcycle PIP coverage, and diminished value litigation. WTO attorneys successfully defended approximately 100 APIP cases for Allstate entities.

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Class Actions

- *Snyder v. ACORD*, 2016 WL 192270 (D. Colo. 2016) - Successfully represented seven codefendants in a massive 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 committee counsel, and the joint defense group ultimately won its motion to dismiss.
- Representing Farmers Insurance regarding the scope of coverage in automobile policies in a putative class action in Washington.
- 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.
- Served as defense counsel to Allied Insurance in a purported class action involving the alleged underpayment of PIP benefits.
- Successfully represented County Mutual Insurance Company in a purported Colorado class action relating to automobile coverage and premium pricing.
- Served as Colorado class action counsel to Liberty Mutual and Zurich Insurance relating to alleged improper payment to Colorado healthcare providers for treatment of workers' compensation patients.
- Served as principal counsel to Aetna Health Plans in statewide class litigation in Colorado over alleged violations involving coordination of benefits with Colorado automobile no-fault carriers.
- Won a class action appeal for USAA regarding denial of class certification in a UM/UIM rate case. On remand, the case settled for nuisance value.
- Served as principal counsel to Allstate Insurance Company for class action litigation in Colorado. Successfully represented Allstate in a purported nationwide class action relating to its customer service and quality pledge programs.
- Served as class action counsel to Aetna and Aetna US Healthcare in alleged class litigation filed throughout the United States, including a class challenge to a nationwide HMO system of healthcare.
- Successfully represented numerous insurance companies in approximately 25 purported class actions filed on behalf of all Colorado policyholders regarding extended personal injury protection coverage and related bad faith allegations.
- Successfully represented USAA in a purported class action involving the alleged failure to offer extended personal injury protection (APIP) to its members in violation of the Colorado PIP statute.

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Securities & Consumer Fraud Class Actions

- Successfully defended a large Colorado automobile dealer in a consumer class action in which the plaintiffs alleged violations of the federal Telephone Consumer Protection Act and sought hundreds of millions of dollars in damages. The trial court denied class certification, and the Colorado Court of Appeals affirmed that order on appeal.
- Represented Seymour Cray and Cray Computer Corp. in section 10b securities fraud/shareholder class litigation over the development of the Cray III supercomputer.
- Represented American Airlines & AMR in class actions involving jet fuel and Avgas tax and baggage handling equipment at Denver International Airport.
- Represented Quovadx Corporation in section 10b securities fraud/shareholder litigation over the exchange offer with Rogue Wave Corporation.
- Represented Citicorp Diners Club in a nationwide class action against all officers and enlisted personnel in the U.S. Air Force relating to purported fraud in the Diners Club frequent flyer and cardmember bonus programs.
- Represented Costco predecessor Pace Membership Warehouse in section 10b securities fraud/shareholder class litigation.
- Represented Meredith Corporation in securities fraud/franchise class litigation.
- Represented Amdura Corporation in sections 11 and 10b securities fraud/shareholder class litigation.
- Retained in March 2010 to advise outside directors in sections 11 and 10b securities fraud class action in the U.S. District Court for the District of Colorado.
- Represented Whirlpool and Sears in a nationwide consumer fraud class action involving a microwave oven recall.
- Represented Texaco in a nationwide class action filed by all female employees.

Appeals

- *Byorth et al. v. USAA*, 2016 MT 32 - Won Montana Supreme Court reversal of class certification against USAA in bad faith litigation and remand to the district court for further proceedings.
- Represented Security Life of Denver Insurance Company before the Colorado Supreme Court in an appeal of a critical Colorado Consumer Protection Act issue.
- Represented a member of the U-Haul family before the Colorado Court of Appeals.

Other Relevant Experience

- Successfully represented Security Life of Denver before the Colorado Supreme Court and in federal court in matters involving the Colorado Consumer Protection Act.

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- Served as Colorado counsel to Tenet Healthcare in actions alleging psychiatric false imprisonment by mental health facilities operating in Colorado.
- Represented Chrysler Group LLC in Oregon involving dealership arbitrations following Chrysler LLC's bankruptcy in 2010.
- Represented Vestas in litigation involving wind energy systems.

TEACHING POSITIONS

National Institute for Trial Advocacy
Faculty, 1992-Present
International Faculty
University of Colorado Trial Advocacy Program
Lecturer on the history of the Vietnam War

REPRESENTATIVE CLIENTS

Allstate - Regional Trial and Appellate Counsel
Amica Mutual Insurance Co.
Nationwide Insurance
USAA

BAR & COURT ADMISSIONS

Colorado
Numerous pro hac vice admissions
Texas (Inactive)
U.S. Court of Appeals for the Tenth Circuit
U.S. District Court for the District of Colorado
U.S. District Court for the District of Montana
U.S. Supreme Court

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Best Lawyers in America
Commercial Litigation, 2007-2017
Insurance Law, 2007-2017

Insurance Litigation, 2016-2017
Securities Litigation, 2014-2017
Colorado Super Lawyers
Business Litigation, 2014-2017
Appellate, 2012-2013
Class Action/Mass Torts, 2006-2011
Colorado Top 100, 2013, 2015-2017
Colorado Top 50, 2008, 2010

Best of the Bar, *Denver Business Journal*
Commercial Litigation, 2005

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Benchmark Litigation

Appellate - Colorado, 2014

Martindale-Hubbell AV[®] Preeminent Peer Review Rated

Denver Bar Association

President, 2014-2015

President-Elect, July 2013-2014

First Vice President, 2012-2013

First Vice President-Elect., 2011-2012

Member, Board of Trustees, 2012-2015

Member, Three Person Executive Committee

Host Committee, DBA Barrister's Ball, 2012-2014

Board Member, Barrister's Benefit Ball Fundraising

Committee, 2013-2014

Member, Nominating Committee, 1989, 2013, 2014

Chairman, Young Lawyers' Section, 1984

Member, Board of Governors, 1984-1985; 2000-2002, 2012-2015

American Bar Association

Colorado and Wyoming Representative to the Executive

Committee, ABA Young Lawyers' Division, 1984-1985

Colorado Lawyers for Colorado Veterans

Chair, 2012-2014

Colorado Bar Association

Member, Board of Governors, 2000-2002, 2012-2014

Member Liaison and Budget Committee, Colorado Bar Association
and Denver Bar Association 2012-2014

Founding Chair, CBA Military & Veterans Affairs Section, 2012-present

Co-Chair, Colorado Lawyers for Colorado Veterans Committee,
2012-present

Standing Committee for CBA Mentoring Program, 2012-present

Member, Budget Committee, 2011, 2014

Member, Task Force on Multidisciplinary Practice, 1999

Nominee, Young Lawyer of the Year, 1984

Founder and former Chairman, Securities Litigation Subsection of
Litigation Section, 1993-1996

Reporting Liaison, Chief Justice's Commission on Civil Justice

Colorado Bar Foundation

Fellow

Member, Board of Trustees, 2013-2014

Member, Board of Directors and Treasurer, 2012-2015

Defense Research Institute

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Reporting Liaison, Chief Justice's Commission on Civil Justice

Reporting Member, 2013

Mentor Pilot Program

Standing Committee, 2011-present

Tenth Circuit Judicial Conference

Member, 1984-present

Committee Member, Program and Host Committee, 1998

National Institute for Trial Advocacy

Faculty Member, 1992-present

Appointed Member, International Faculty, 1999

University of Colorado Trial Advocacy Program

Faculty Member, 1990-1991

St. Mary's University School of Law Alumni Association

Member, Board of Directors, 1992-1994

St. Mary's University School of Law commencement speaker, May 2013

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

St. Mary's University

Board of Trustees, 2016-2018

ARTICLES & PRESENTATIONS

- "What Was the Cause of the Vietnam War," presented at a CBA and Military & Veterans Affairs Section reception hosted by WTO, (May 30, 2013).
- "The Compulsory Arbitration Clause and Federal Claims for Relief," presented at the Network Trial Law Firms' Litigation Management: FINRA CLE SuperCourse, (September 14, 2012).
- "How Recent Supreme Court Decisions Will Shape Future Class Actions," presented to the Association for Corporate Counsel Colorado Chapter, (March 8, 2012).
- "The Use of Arbitration Clauses to Prevent Class Certification," presented to The Network of Trial Lawyers, (2010).
- "Top Ten Developments in Securities Litigation," presented at Securities Subsection of the Colorado Bar Association, (November 1998/October 2010).
- "Arbitration Clauses and Class Certification," presented to the Association of Corporate Counsel Colorado Chapter (June 26, 2008).
- "Closing Arguments," presented to National Institute for Trial Advocacy, (2001-2004, 2006-2010).
- "Recent Developments Under Rule 23," presented at The Network of Trial Law Firms, (April 2003).

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- "Jury Selection or Jury Exclusion: A Short Lesson in Effective *Voir Dire*," presented at National Institute for Trial Advocacy, (August 2001).
- "Opening Statements," presented at National Institute for Trial Advocacy, (August 1999).
- "Making Expert Witness Testimony Persuasive," presented at National Institute for Trial Advocacy, (August 1998).
- "Will Rule 23 Stand in the Way of an Otherwise Fair Class Action Settlement?" Tort & Ins. L.J., (1998).