



KARA J. ROSENTHAL

Of Counsel & Practice Group Manager

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Kara Rosenthal defends clients across the healthcare industry in high-stakes professional liability and product liability litigation and regulatory review matters. She has extensive experience defending medical negligence, wrongful death cases, credentialing and privileging claims—by both patients and healthcare professionals. Kara also served as national counsel to medical device and pharmaceutical manufacturers to defend against product liability lawsuits.

EDUCATION

Boston University , J.D., 2004, *cum laude*

Dean's Scholar; G. Tauro Scholar; Civil Litigation and Alternative Dispute Resolution; Civil Litigation Clinical

Arizona State University, B.A., 2000, Major in Economics and Political Science; Minor in Philosophy, *summa cum laude*
Phi Beta Kappa

OTHER EXPERIENCE

Sedgwick, Detert, Moran & Arnold, LLP (nka Sedgwick, LLP)

ADMISSIONS

California
Colorado

HIGHLIGHTS

- Won summary judgment on behalf of a perfusionist in action alleging surgical negligence (with dismissal of appeal).
- Won summary judgment on behalf of a hospital in wrongful death action.
- Served as bellwether selection/coordination counsel and won summary judgment in a bellwether case for a cardiologist in Utah after more than 1,000 patients claimed our client's treatments were medically unnecessary.
- Won an appeal regarding application of the Anti-SLAPP statute to a defamation action brought by a physician against a hospital related to credentialing and required reporting.
- Defeated class certification allegations at the pleadings stage and obtained voluntary dismissal for a hospital in a negligent credentialing action.
- Co-authored brief that helped defeat class certification allegations at the pleadings stage against a hospital for purported sterilization issues.
- Won a defense verdict for a spine surgeon in a multimillion-dollar medical malpractice and negligence lawsuit.

INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Professional Services

PRACTICE AREAS

- Product Liability
- Healthcare Professional Liability
- Catastrophic Injury Defense

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BIOGRAPHY

Kara Rosenthal defends clients across the healthcare industry in high-stakes professional liability and product liability litigation and regulatory review matters. She has extensive experience defending medical negligence, wrongful death cases, credentialing and privileging claims—by both patients and healthcare professionals. Kara also served as national counsel to medical device and pharmaceutical manufacturers to defend against product liability lawsuits. In addition to representing clients, Kara is the Practice Group Manager for the firm's Healthcare Professional Liability group.

Kara defends organizations and individuals in medical malpractice and negligence trials; advises regional and national healthcare systems on macro-litigation strategies; builds litigation strategy to handle nationwide mass torts defense for medical device and pharmaceutical makers; and defends mental and behavioral health providers and long-term care facilities facing catastrophic claims. She also represents healthcare providers in board and professional review inquiries, in which she frequently obtains dismissals and notifications of no action taken.

In addition to her professional and product liability experience for healthcare clients, Kara represents health facilities in claim and reimbursement disputes with patients and agencies, such as the Centers for Medicaid and Medicare Services. She also assists clients with Joint Commission and state audit responses and investigations, as well as administrative negligence claims.

Kara serves as Wheeler Trigg O'Donnell's HIPAA Officer. She is well versed in and routinely advises clients on a variety of privacy and privilege issues, including state and federal professional and quality management review protections, HIPAA and HITECH Act regulations, state and federal mental and behavioral health regulations, and general privacy law.

CASES

Featured Wins

- Won an appeal regarding application of the Anti-SLAPP statute to a defamation action brought by a physician against a hospital related to credentialing and required reporting.
- Won a defense jury verdict for a spinal surgeon in a multimillion-dollar medical malpractice lawsuit in Colorado. The patient experienced a complication during surgery that resulted in partial paralysis. WTO lawyers demonstrated that our client was not at fault. Following the two-week trial, jurors delivered a complete defense verdict.

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- Won a defense decision for a Philadelphia psychiatric hospital in a two-day medical malpractice arbitration involving the death of a patient killed in an auto accident hours after being discharged.
- Won a jury defense verdict for an orthopedic spine surgeon in a medical malpractice case with millions of dollars in damage claims at stake, including eight years of accruing pretrial interest.
- Represented a hospital in a four-week trial in California involving special damages in excess of \$10 million in claims relating to the care of an adult male with brain damage. The jury returned a verdict of \$6 million, but also found the plaintiff 75% contributory negligent. After the setoff from settling the defendant, WTO's client owed only \$37,000.

Other Relevant Experience

- Won summary judgment on behalf of a perfusionist in action alleging surgical negligence (with dismissal of appeal).
- Won summary judgment on behalf of a hospital in wrongful death action.
- Served as bellwether selection/coordination counsel and won summary judgment in a bellwether case for a cardiologist in Utah after more than 1,000 patients claimed our client's treatments were medically unnecessary.
- Defeated class certification allegations at the pleadings stage and obtained voluntary dismissal for a hospital in a negligent credentialing action.
- Co-authored brief that helped defeat class certification allegations at the pleadings stage against a hospital for purported sterilization issues.
- Obtained summary judgment for a physician's assistant in a medical malpractice lawsuit alleging surgical malpractice resulting in partial paralysis.
- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.
- Served as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.
- Obtained Rule 12 dismissal of a defamation case against a psychologist who performed a parental responsibilities evaluation in a child custody dispute (upheld on appeal).

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- Obtained Rule 12 dismissal for a social worker in a wrongful death case following an adolescent suicide. Awarded attorneys' fees and defense costs.
- Won summary judgment for a chiropractic practice in a case alleging negligent lumbar spine manipulation resulting in permanent disc injury.
- Secured early dismissals without payment before protracted discovery in numerous cases for psychiatrists, psychologists, surgeons, behavioral healthcare facilities, and telemedicine providers.
- Consults with healthcare systems regarding national litigation strategy.

BAR & COURT ADMISSIONS

California

Colorado

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, C.D. California

U.S. District Court, D. Colorado

U.S. District Court, N.D. California

U.S. District Court, N.D. Illinois

U.S. District Court, W.D. Michigan

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America

Medical Malpractice Law - Defendants, 2021, 2023-2026

Personal Injury Litigation - Defendants, 2021-2026

Colorado Super Lawyers

Personal Injury Defense: Medical Malpractice, 2022-2024

Colorado Rising Stars

Personal Injury Defense: Medical Malpractice, 2010-2019

Benchmark Litigation

Future Star, 2015-2018, 2021-2026

5280 Magazine

Top Lawyer

Medical Malpractice Defense, 2021

Consultant, CEB California Civil Discovery, Chapter 7: Interrogatories

(2006 California Board of Regents)

American Health Lawyers Association

American Society of Health Risk Managers

Defense Research Institute

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COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

University of Colorado School of Medicine

Admissions Interview Subcommittee, 2013-2017

ARTICLES & PRESENTATIONS

Presentations

- Co-presenter, "Defensive Discovery," Denver, CO (April 2025).
- Presenter, "Responding to Written Discovery," Denver, CO (March 2023).
- Co-presenter, "The Art of Rule 30(b)(6) Depositions, A Sword in the Med Mal World," AEIX Webinar (February 2021).
- Presenter, "Evidentiary Foundations – Anticipating and Overcoming Objections," Denver, CO (October 2019).
- Presenter, "HIPAA 101," Denver, CO (April 2019).
- Co-presenter, "Pain Management: The Quagmire of Drugs, Drugs, and More Drugs," The International Association of Defense Counsel Annual Meeting, Colorado Springs, CO (July 2015).
- Presenter, "Social Media and Cyber Liability," Colorado Healthcare Associated Risk Managers, Denver, CO (March 2014).
- Presenter, "HIPAA: The HITECH Act's Impact: Beyond the Doctor's Office," Denver, CO (November 2013).
- Co-presenter, "Defending Suicide: Investigating and Defending a High Profile Event," The American Society of Health Risks Managers Annual Conference, Phoenix, AZ (October 2011).

PERSONAL INTERESTS

- Cooking, spending time with daughter creating and learning about art.