



ANDREW M. UNTHANK

Partner

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Drew Unthank represents leading companies in consumer class action, complex commercial, and product liability litigation across the United States. He is a go-to attorney for companies facing claims under state and federal consumer protection statutes. Drew is Martindale Hubbell AV peer-review rated, and is listed in Colorado Super Lawyers for Class Actions/Mass Torts.

EDUCATION

University of Denver Sturm College of Law, J.D., 2005

Order of St. Ives, Scholastic Excellence Award, Moot Court Appellate Team

Northern Arizona University, B.S.B.A., 2001, Marketing Gamma Beta Phi, Mortar Board National Honor Society

GOVERNMENT SERVICE

Judicial Law Clerk to The Honorable Nathan B. Coats, Colorado Supreme Court Intern to the Honorable John N. McMullen, Denver District Court

ADMISSIONS

Colorado

HIGHLIGHTS

- WTO Wins First Amendment Challenge for Home Appliance Manufacturers
- Won dismissal for Whirlpool in industry-wide consumer class action litigation alleging tens of millions of gas cooking products emit harmful pollutants in homes.
- Won full dismissal with prejudice for Whirlpool of consumer class action brought by five plaintiffs from five states representing seven putative classes in the lead case among an industry-wide series of copycat actions alleging cooktop knobs are prone to unintended activation.
- Won a favorable jury verdict in a \$350 million personal injury trial.
- Represented a 100-year-old precious metals refiner against a Newmont Corporation subsidiary's allegations of civil theft, claiming our client stole millions in gold and other precious metals. Obtained significant monetary recovery and public withdrawal of all civil theft allegations and dismissal of all claims with prejudice.
- Successfully represented a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.
- Successfully represented a major telecommunications company in an MDL involving 18 underlying consumer, securities, and derivative class actions that challenged the company's marketing and sales practices.

INDUSTRIES

- Consumer Products & Services
- Telecommunications
- Healthcare
- Oil & Gas
- Energy
- Construction & Engineering

PRACTICE AREAS

- Class Actions
- Commercial Litigation
- Product Liability
- Franchise & Distribution
- Catastrophic Injury Defense

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BIOGRAPHY

Drew Unthank represents major companies in consumer class action, complex commercial, and product liability litigation. He regularly leads teams in novel and complex matters, including the recent successful defense of a unique mass arbitration involving creative strategies and defense tactics.

Drew's passion for helping his clients tell their stories in court is the fuel that drives his practice, leading to lasting, collaborative client relationships. He has represented several long-time clients, including Fortune 100 and 500 companies, and has served as lead defense counsel in dozens of consumer class actions across the country.

When Drew was the Chair of the firm's Recruiting Committee, he helped introduce new behavior-based recruiting and interviewing methods to help the firm identify and hire exceptional attorneys poised to grow with WTO.

Colorado Super Lawyers has named Drew to its list for Class Actions/Mass Torts Defense. He is also listed in *The Best Lawyers in America* for Mass Tort Litigation/Class Actions. Drew is Martindale-Hubbell AV Peer Review Rated, and *Benchmark Litigation* named him a 40 & Under National Star in 2019.

CASES

- Won on behalf of a home appliance trade association in a complex federal constitutional case challenging state legislation on First Amendment grounds.
- Won dismissal for Whirlpool in industry-wide consumer class action litigation alleging tens of millions of gas cooking products emit harmful pollutants in homes.
- Won full dismissal with prejudice for Whirlpool of consumer class action brought by five plaintiffs from five states representing seven putative classes in the lead case among an industry-wide series of copycat actions alleging cooktop knobs are prone to unintended activation.
- Won a favorable jury verdict in a \$350 million personal injury trial for a motorcyclist accused of negligence causing his passenger's catastrophic injuries. WTO's defense compelled the jury to find our client just 5% liable and assign 95% of liability to another party.
- Represented a 100-year-old precious metals refiner against a Newmont Corporation subsidiary's allegations of civil theft, claiming our client stole millions in gold and other precious metals. Obtained significant monetary recovery and public withdrawal of all civil theft allegations and dismissal of all claims with prejudice.

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- Successfully represented a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.
- Successfully represented a major telecommunications company in an MDL involving 18 underlying consumer, securities, and derivative class actions that challenged the company's marketing and sales practices.
- Achieved favorable resolution after winning dismissal of 19 of 25 claims in a proposed class action alleging false advertising of the horsepower output of Whirlpool's KitchenAid blenders.
- Represented medical device manufacturer in wrongful death and personal injury claims brought by the survivors and estates of a triple-fatality apartment fire, and negotiated nuisance-value settlement following deposition of Plaintiffs' fire cause and origin expert.
- Retained by a Fortune 100 petroleum refiner and marketer to join the trial team defending a commercial dispute involving \$75 million in alleged damages for breach of a transportation and fractionation contract. Negotiated favorable resolution on eve of trial.
- Defeated class certification amid allegations that 2,000,000 Whirlpool-made ovens were prone to overheat. WTO attorneys disqualified the plaintiffs' expert witness and successfully argued that the claims were overly broad and the plaintiffs' purported theories for failure were too many to achieve certification.
- Served as the first-chair litigator for a Fortune 100 company against a former dealer and obtained an arbitration award including the full principal amount claimed plus attorneys' fees and costs.
- Developed a successful legal challenge to class action claims brought under the Colorado Consumer Protection Act against a national nursing home chain and its affiliated companies and obtained a complete dismissal of all consumer protection claims brought by the proposed class.
- Defended a franchisor against fraud claims made by franchisees, who sought tens of millions of dollars in actual and punitive damages. After a five-week trial, WTO won judgment for our client. The court awarded \$2 million in attorneys' fees against the franchisees.

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REPRESENTATIVE CLIENTS

- Lumen Technologies - National Trial Counsel
- United States Olympic Committee
- USAA
- Whirlpool - National Trial Counsel

BAR & COURT ADMISSIONS

- Colorado
- U.S. Court of Appeals, 9th Circuit
- U.S. District Court, D. Colorado
- U.S. District Court, E.D. Michigan

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- Martindale-Hubbell AV® Peer Review Rated
- The Best Lawyers in America
 - Mass Tort Litigation/Class Actions - Defendants, 2021-2026
 - Benchmark Litigation
 - Litigation Star, 2023
 - 40 & Under National Star, 2019
 - 40 & Under Hotlist, 2018
 - Future Star, 2024-2026
- Colorado Super Lawyers
 - Class Actions/Mass Torts Defense, 2021-2025
- Colorado Rising Stars
 - Class Actions/Mass Torts, 2014-2019
 - Business Litigation, 2011-2013
- Law Week Colorado's Up-and-Coming Lawyers
 - Selected, 2008
 - Finalist, 2010
- Colorado Civil Justice League
 - Member of the Legal Advisory Board
- Legal Aid Foundation
 - Associates' Campaign Fundraising Chair 2011-2012 (set fundraising record both years)
- Denver Bar Association
- Colorado Bar Association
- American Bar Association

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COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

- Open Media Foundation
 - Board of Directors
 - Development Committee

ARTICLES & PRESENTATIONS

Presentations

- Panelist, "Death by Treadmill," Sports & Entertainment Risk Management Alliance (January 18, 2024).
- Presenter, "Managing Marketing Risks in a New Era of Consumer Class Action Attacks," Whirlpool Legal and Marketing Teams (November 7, 2023).

Other Articles/Presentations

- Moderator, "Make it Your Exhibit A, not Theirs: Documentation Strategies for Success at Trial," 2020 DRI Products Liability Conference, (February 2020).
- "All About Inclusion: A Conversation With Hiring Managers in Private Practice and Corporate In-House Departments," panelist at the 2019 CLI Legal Inclusiveness & Diversity Summit, (August 2019).
- Presenter, "Lessons Learned on the Road From Small Claim to Product Recall," In-house and outside counsel at Whirlpool's 2015 National Counsel Summit, (October 2015).
- Presenter, "2013-2014 eDiscovery Case Law Update," The COALSP 8th Annual eDiscovery Summit, (October 2014).
- Presenter, "Marketing Class Action Update," In-house counsel and business stakeholders at Whirlpool's Global Headquarters, (August 2014).
- Presenter, "2012-2013 eDiscovery Case Law Update," The COALSP 7th Annual eDiscovery Summit, (October 2013).
- Presenter, "Green Building in Colorado: Know the Risks!," Wheeler Trigg O'Donnell, (November 2009).
- "An Architect's Guide to Understanding Modern Copyright Protection for Architectural Works," *Preventive Law Reporter*, University of Denver Sturm College of Law, Vol. 22, No. 3,(2004).

PERSONAL INTERESTS

- Mountain biking, backpacking, travel, live music