



## ERIN FROHARDT TATMAN

### Partner

tatman@wtotrial.com | P 303.244.1920

### EDUCATION

Northwestern University Pritzker School of Law, J.D., 2012, *cum laude*

Order of the Coif

*Northwestern Law Review*, Articles Editor

Colgate University, B.A., 2007, Chemistry

### GOVERNMENT SERVICE

Law Clerk to The Honorable Jerome A. Holmes, United States Court of Appeals for the Tenth Circuit

### ADMISSIONS

Colorado

Illinois

Utah

**Erin F. Tatman defends clients against professional liability and product liability lawsuits. Her clients include individual healthcare providers, healthcare organizations, lawyers, and law firms. Erin also defends corporations against product liability claims, including class actions. Colorado Super Lawyers has named Erin a Rising Star for five straight years.**

### HIGHLIGHTS

- Counseled a healthcare industry insurer on best practices for risk management amid the COVID-19 pandemic.
- Represented seven codefendants in a property insurance class action lawsuit in Colorado. WTO lawyers served as liaison counsel and argued the successful motion for fee award of more than \$1.5 million.
- Defended against claims in New Mexico that WTO's client failed to appropriately assess the risk represented by two siblings who killed their foster mother.
- Hired two weeks before trial to defend a client in Pennsylvania against medical malpractice and negligence claims. Settled favorably.
- Hired at the start of expert discovery in Washington to defend a healthcare provider against malpractice and negligence claims. Settled favorably.
- Won motion to compel plaintiffs' privilege documents in a legal malpractice dispute in Illinois and defended the motion to the Illinois Supreme Court.
- Successfully defended a physician in a birth trauma case in Illinois.

### INDUSTRIES

- Consumer Products & Services
- Healthcare
- Professional Services

### PRACTICE AREAS

- Professional Liability
- Healthcare Professional Liability
- Legal Professional Liability
- Product Liability
- Catastrophic Injury Defense
- Appellate
- Class Actions
- Commercial Litigation

# ERIN FROHARDT TATMAN

## BIOGRAPHY

Erin F. Tatman defends clients against professional liability and product liability lawsuits. Her clients include individual healthcare providers, healthcare organizations, lawyers, and law firms. Erin also defends corporations against product liability claims, class actions, and personal injury. Colorado Super Lawyers has named Erin a Rising Star for five straight years.

A chemist by training, Erin is at home debunking plaintiffs' bad science and developing scientifically sound defenses for her clients.

Prior to joining Wheeler Trigg O'Donnell in 2013, Erin served as a judicial law clerk to The Honorable Jerome A. Holmes of the United States Court of Appeals for the Tenth Circuit. Erin has also worked as a land assistant for a large oil and gas company in Colorado and as a research fellow at the National Institutes of Health Imaging Probe Development Center and Laboratory of Computational Biophysics.

## CASES

### Professional Liability

- Hired two weeks before trial to defend a client in Pennsylvania against medical malpractice and negligence claims. The case settled during voir dire for well under half the plaintiff's demand.
- Hired at the start of expert discovery in Washington to defend a healthcare provider against malpractice and negligence claims brought by a patient who suffered a stroke. The case settled extremely favorably just before trial.
- Won motion to compel plaintiffs' privilege documents in a legal malpractice dispute in Illinois and defended the motion to the Illinois Supreme Court.
- Successfully defended a physician and hospital in a birth trauma case in Illinois. Handled damages claims, prepared defense witnesses, and conducted a mock trial. The case settled a month before trial on terms that saved WTO's client eight figures. The client was extremely pleased.

### Product Liability

- Successfully settled claims against a motorized wheelchair manufacturer in Connecticut state court.
- Won a complete defense jury verdict in federal court for Evenflo in a \$15 million failure-to-warn trial arising out of permanent injuries to a child involved in an accident while riding in an Evenflo infant seat.

# ERIN FROHARDT TATMAN

- Defended a medical device maker against product liability and wrongful death claims involving a fire that allegedly broke out in the vicinity of a wheelchair manufactured by the company. The case settled favorably for WTO's client.

## Class Actions

- Represented seven codefendants in a 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 counsel and argued the successful motion for the fee award of more than \$1.5 million.
- Represented Whirlpool Corp. in various consumer product class action matters nationwide.
- Represented Farmers Insurance in two Washington insurance class actions alleging unrepairable damage claims under UIM property-damage coverage.
- 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.
- Represented a major commercial insurer in nationwide concussion and traumatic brain injury class action litigation involving the National Collegiate Athletic Association, National Hockey League, and U.S. Soccer Federation.

## Other Relevant Experience

- Counseled a healthcare industry insurer on best practices for risk management amid the COVID-19 pandemic.
- Defended against claims in New Mexico that WTO's client failed to appropriately assess the risk represented by two siblings who killed their foster mother.
- Successfully represented franchisor Comfort Dental Group in a dispute in which a subfranchisor challenged the legality of the underlying business model. WTO also squashed follow-on litigation involving a complex lease dispute.

## BAR & COURT ADMISSIONS

Colorado

Illinois

Utah

U.S. Court of Appeals, 10th Circuit

U.S. District Court, D. Colorado

U.S. District Court, D. New Mexico

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

# ERIN FROHARDT TATMAN

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America

Ones to Watch - Medical Malpractice Law - Defendants, 2021-2025

Colorado Rising Stars

Professional Liability Defense, 2016-2022

Legal Aid Foundation

Associate Advisory Board, 2015-2019

Associates Campaign Representative, 2015-2018

Colorado Women's Bar Association

Colorado Defense Lawyers Association

Colorado Bar Association

Health Law Section

Denver Bar Association

Davis County Bar Association

Ethics & Discipline Committee of the Utah Supreme Court

Salt Lake County Bar

Utah State Bar Association

Health Law Section

Litigation Section

Women Lawyers of Utah

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Denver Kids Inc., 2015-2019

Mentor, 2018-2019

Board of Directors Development Task Force

Young Professionals Council, Vice Chair, 2018-2019

YPC Networking & Professional Development Chair, 2017-2018

## ARTICLES & PRESENTATIONS

### Articles

- "Defending Health-Care Decisions to Juries in a Post-Coronavirus World," DRI's The Voice, Vol. 19, No. 21, (May 27, 2020).
- "Hoping for the Best, While Preparing for the Worst: Addressing Resource Shortages During a Crisis," (March 2020).
- "Some (Minor) Relief In Sight: Secretary Issues 1135 Waiver of EMTALA's Medical Screening and Transfer Requirements," (March 2020).
- "PREP Act: Healthcare Providers, Labs, and Behavioral Facilities May Invoke Immunities Related to Testing and Treatment of Coronavirus Patients," (March 2020).

# ERIN FROHARDT TATMAN

## Book Chapters

- "Medical Malpractice," *Colorado Civil Claims: Elements, Defenses, and Sample Pleadings*, 1st ed, (2019).

## Speaking Engagement

- Panelist, "Where is the Risk Management? A Look at Claims and Best Practices," Beazley Virtual Care Conference, (October 19, 2022).

## PERSONAL INTERESTS

- Spending time with her daughter, husband, and dogs