

## **EDUCATION**

University of Denver Sturm College of Law, J.D., 2018

Ohio Wesleyan University, B.A., 2010, Economics

# **GOVERNMENT SERVICE**

Judicial Intern to The Honorable David Richman, Colorado Court of Appeals

Investigator, Office of the Colorado State Public Defender

## **OTHER EXPERIENCE**

Messner Reeves, LLP

#### **ADMISSIONS**

Colorado

## **DANIEL J. DELAY**

## **Associate**

delay@wtotrial.com | P 303.244.1985

Daniel DeLay defends health care professionals and organizations in complex medical malpractice disputes in jurisdictions throughout the country. He is a valuable advocate for his clients and has experience handling a wide range of courtroom activities, including *voir dire*, direct examination of experts and fact witnesses, and cross-examinations. Daniel also has served as second chair in two trials and one arbitration.

#### **HIGHLIGHTS**

- Won summary judgment in a medical malpractice case for a hospital and two physicians in New Mexico on plaintiffs' claims for "ordinary" negligence, negligence per se, breach of contract, and breach of express and implied warranty.
- Served as second chair in an arbitration defending a Fortune 500 client in a Fair Labor Standards Act claim in Kansas City, Kansas.
- Served as second chair in successfully defending an oral surgeon at a jury trial in El Paso County, Colorado, involving a third-molar extraction resulting in infection in which \$800,000 in damages were sought.
- Served as second chair in successfully defending a dentist at a jury trial in a \$1 million failure to diagnose cancer case in El Paso County, Colorado.

# **INDUSTRIES**

- Healthcare
- Professional Services

# PRACTICE AREAS

- Healthcare Professional Liability
- Catastrophic Injury Defense

# DANIEL J. DELAY

## **BIOGRAPHY**

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Daniel previously handled healthcare professional liability matters, along with employment and commercial litigation, as an associate in a national law firm's Denver office. He also brings to his client representation invaluable skills, experience, and perspectives gained from having been a founder and principal of a business providing legal-related and other consulting services, and an Investigator for the Office of the Colorado State Public Defender.

# **CASES**

- Won summary judgment in a medical malpractice case for a hospital and two physicians in New Mexico on plaintiffs' claims for "ordinary" negligence, negligence per se, breach of contract, and breach of express and implied warranty.
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- Served as second chair in successfully defending an oral surgeon at a jury trial in El Paso County, Colorado, involving a third-molar extraction resulting in infection in which \$800,000 in damages were sought.
- Served as second chair in an arbitration defending a Fortune 500 client in a Fair Labor Standards Act claim in Kansas City, Kansas.

# **BAR & COURT ADMISSIONS**

ColoradoU.S. District Court, D. Colorado

# **LEGAL MEMBERSHIPS, ACTIVITIES & HONORS**

Colorado Defense Lawyers Association
 Colorado Hispanic Bar Association
 Defense Research Institute

The Best Lawyers in America

Ones to Watch - Commercial Litigation, 2023-2026

Ones to Watch - Medical Malpractice Law - Defendants, 2023-2026

# DANIEL J. DELAY

PERSONAL INTERESTS ■ Snowboarding, traveling, and rooting for the Denver Nuggets