



KATIE K. CUSTER

Of Counsel

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EDUCATION

University of Colorado Law School,
J.D., 2010

University of California at Santa
Barbara, B.A., Psychology, *cum
laude*, Division 1 Track and Field
Varsity Letter Recipient

GOVERNMENT SERVICE

Assistant Attorney General,
Colorado Attorney General's Office,
Criminal Division

OTHER EXPERIENCE

Arnold & Porter LLP
Holland & Hart LLP
McKenna, Long, & Aldridge LLP

ADMISSIONS

Colorado

Katie Custer defends clients in complex commercial litigation and healthcare professional liability in trials across the United States. She has vast and comprehensive trial and courtroom experience. In addition to having tried over 20 cases to verdict, Katie has handled dozens of examinations, *voir dire* activities, and closing arguments and rebuttals, among other responsibilities. Katie has also taken and defended many expert and fact depositions, and argued many dispositive and non-dispositive motions in federal and state courts.

HIGHLIGHTS

- Won a birth injury case for a hospital in Iowa after plaintiffs sought more than \$30 million in damages. WTO and co-counsel prevailed on a motion for summary judgment that excluded the plaintiffs' experts under Iowa law. Because expert testimony is required in Iowa to prove the plaintiffs' claims, the court entered judgment in WTO client's favor, concluding the case.
- Successfully resolved an Eighth Amendment claim for cruel and unusual punishment for a prison's failure to provide adequate medical care to a prisoner who suffered a severe spinal injury while in prison.
- Represented government contractors in 10 cases against the government, including bid protests and regulatory interpretation.
- Drafted motions for temporary restraining orders and motions for preliminary injunctions—and participated in hearings regarding the motions—across several industries in six cases involving misappropriation of trade secrets and other unfair business practices.
- Represented a county in a dispute with a mining operation over the county's ability to regulate mining. The court found that the county was not preempted by federal regulations and could regulate mining.
- Assisted a cruise ship company with COVID-19 litigation, including a bench trial, involving hundreds of thousands of dollars at stake.
- Represented companies in attorney general and other government investigations, including a 10-month intensive internal investigation regarding potential False Claims Act violations.

INDUSTRIES

- Healthcare
- Oil & Gas
- Energy

PRACTICE AREAS

- Commercial Litigation
- Healthcare Professional Liability

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- Insurance

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BIOGRAPHY

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Before joining WTO, Katie was an Assistant Attorney General in the Colorado Attorney General's Office's Criminal Division, where she was on the team handling one of the office's highest-profile cases, and prosecuted securities fraud crimes. Before that, Katie was a trial litigation associate in the Denver offices of three AmLaw 100 law firms.

CASES

- Won a birth injury case for a hospital in Iowa after plaintiffs sought more than \$30 million in damages. WTO and co-counsel prevailed on a motion for summary judgment that excluded the plaintiffs' experts under Iowa law. Because expert testimony is required in Iowa to prove the plaintiffs' claims, the court entered judgment in WTO client's favor, concluding the case.
- Handled and resolved an arbitration for a large oil and gas company where nearly \$200 million dollars was in dispute over the interpretation of a joint operating agreement.
- Represented a company in a class action regarding PFAS contamination with hundreds of millions of dollars in damages requested.
- Represented companies in attorney general and other government investigations, including a 10-month intensive internal investigation regarding potential False Claims Act violations.
- Assisted a cruise ship company with COVID-19 litigation, including a bench trial, involving hundreds of thousands of dollars at stake.
- Represented a county in a dispute with a mining operation over the county's ability to regulate mining. The court found that the county was not preempted by federal regulations and could regulate mining.
- Drafted motions for temporary restraining orders and motions for preliminary injunctions—and participated in hearings regarding the motions—across several industries in six cases involving misappropriation of trade secrets and other unfair business practices.

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- Represented government contractors in 10 cases against the government, including bid protests and regulatory interpretation.
- Successfully resolved an Eighth Amendment claim for cruel and unusual punishment for a prison's failure to provide adequate medical care to a prisoner who suffered a severe spinal injury while in prison.
- Helped create new law in Colorado regarding a prison's non-delegable duty to provide adequate medical care to prisoners.

BAR & COURT ADMISSIONS

- Colorado
U.S. Claims Court
U.S. Court of Appeals, 10th Circuit
U.S. District Court, D. Colorado

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- American Bar Association
Member
Colorado Bar Association
Member
Colorado Women's Bar Association
Member

PERSONAL INTERESTS

- Running, reading, spending time with my children