



## LAMAR F. JOST

### Partner

jost@wtotrial.com | P 303.244.1905 | F 303.244.1879

**LaMar Jost defends high-stakes cases involving medical malpractice, product liability, mass torts, and complex commercial matters. He has handled significant professional liability and tort cases in 26 states, the District of Columbia, and in tribal courts.**

### EDUCATION

University of Wyoming College of Law, J.D., 2002  
Order of the Coif  
*Wyoming Law Review*, Comment Editor

University of Wyoming, B.S., 1999, Political Science  
Outstanding Political Science Graduate

### GOVERNMENT SERVICE

Law Clerk to The Honorable Bobby R. Baldock, United States Court of Appeals for the Tenth Circuit

Law Clerk to The Honorable Clarence A. Brimmer, United States District Court for the District of Wyoming

### ADMISSIONS

Colorado  
Georgia  
Georgia Court of Appeals  
Illinois  
Maryland  
New Mexico  
Washington  
Wyoming

### HIGHLIGHTS

- Won a defense verdict in a three-week trial for a Michigan hospital facing over \$14 million in damages following an in-hospital cardiac arrest and alleged brain injury.
- Obtained summary judgment for a national legal malpractice carrier in an attorney-lien enforcement action in Wyoming district court. WTO recovered significant costs for its client in this matter of first impression.
- Obtained dismissal of Colorado-based manufacturer in a multi-million dollar product liability case in Madison County, Illinois.
- Submitted an amicus brief for a Wyoming client in a Tenth Circuit appeal involving the boundaries of a Native American reservation.
- Successfully argued against craniocerebral ischemic encephalopathy, a novel birth injury causation theory, to obtain voluntary dismissal before the court ruled.
- Won a defense verdict for a hospital and its doctors in a \$19 million Wyoming medical malpractice lawsuit.
- Won summary judgment for General Electric in an asbestos liability case.

### INDUSTRIES

- Professional Services
- Energy
- Healthcare
- Insurance
- Legal Services

### PRACTICE AREAS

- Product Liability
- Appellate
- Mass Torts
- Commercial Litigation
- Employment
- Personal Injury Defense
- Environmental Litigation
- Healthcare Professional Liability
- Legal Professional Liability

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## BIOGRAPHY

LaMar Jost defends high-stakes cases involving medical malpractice, product liability, mass torts, and complex commercial matters. He has handled significant professional liability and tort cases in 26 states, the District of Columbia, and in tribal courts.

Through each stage of the litigation process, LaMar anticipates and responds to his clients' needs. He is aggressive in fact and expert discovery, proactive at mediation, and always ready to defend his clients at trial.

LaMar has first- and second-chaired multimillion dollar personal injury trials in California, Colorado, the District of Columbia, Illinois, Michigan, Nevada, New Jersey, Pennsylvania, South Carolina, Texas, and Wyoming. He has won a significant majority of those medical malpractice and wrongful death trials. He has won summary judgments for a Fortune 10 manufacturing company in Wyoming and Washington. He has won legal malpractice cases in Wyoming and Missouri. He has successfully briefed a matter of first impression under CERCLA in the Tenth Circuit and then successfully opposed the plaintiff's petition for certiorari from the U.S. Supreme Court. LaMar has also represented clients in federal multidistrict litigation in Pennsylvania and Massachusetts, and in cases remanded from multidistrict litigation.

In addition to trial work, LaMar has an active appellate practice. He has handled complex appeals for companies and individuals in a variety of practice areas, including constitutional law, environmental law, insurance, tort, and intellectual property. LaMar has argued and briefed several appeals in the Tenth Circuit, Colorado appellate courts, Georgia Court of Appeals, and D.C. Court of Appeals. Through the appellate process, LaMar has assisted in making law favorable to hospitals, physicians, and industry.

## CASES

- Won a defense verdict in a three-week trial for a Michigan hospital following an in-hospital cardiac arrest and alleged brain injury. The plaintiff sought more than \$14 million in damages in plaintiff-friendly downtown Detroit. The jury found for WTO's client after deliberating for less than 20 minutes.
- Obtained summary judgment for a national legal malpractice carrier in an attorney-lien enforcement action in Wyoming district court. In this matter of first impression, the Court held that the plain language of the statute precluded the plaintiff law firm's attorney-lien and constructive fraud claims. As the prevailing party under the statute, WTO obtained a significant award of attorneys' fees and costs for its client.
- Obtained dismissal of Colorado-based manufacturer in a product liability case in Madison County, Illinois. WTO asserted various jurisdictional and workers' compensation defenses at the pleading stage, obtaining a rare dismissal in a multi-million dollar lawsuit in one of the worst venues for defendants in the United States.

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- *Wyoming v. U.S. Env'tl Prot. Agency*, 875 F.3d 505, 509 (10th Cir. 2017) - Submitted an amicus brief for a Wyoming client in a Tenth Circuit appeal involving the boundaries of a Native American reservation. The issue involved potential expansion of tribal court jurisdiction over hundreds of businesses and thousands of residents outside the reservation. In its opinion, the Court agreed with WTO's client.
- Obtained dismissal for an Ohio hospital in a medical malpractice action. WTO lawyers, with co-counsel from Ohio, successfully challenged the plaintiff's unscientific and unsupported theory that cranial compression from the normal birth process can cause brain damage. Plaintiff voluntarily dismissed the case during a *Daubert* hearing after examination of only two of plaintiff's seven scheduled experts.
- Won a complete defense verdict and dismissal of punitive damages claims for a Wyoming hospital and codefendant physicians facing non-negotiable \$19 million negligence claims brought by a plaintiff who suffered a stroke following emergency room treatment for a head wound.
- Obtained summary judgment for General Electric Company in an asbestos liability case in the U.S.D.C. for the District of Wyoming.
- *Stoney v. Cingular Wireless* (10th Cir. 2012) - Defended the appeal to the Tenth Circuit of a 2010 jury verdict WTO won for AT&T in a high-profile whistleblower case. *Law Week Colorado* called the underlying trial court victory one of the "Top Defense Verdicts of 2010."
- *Vestas Blades v. Randall* (Colo. 2011) - Won a \$4.2 million judgment for a renewable energy client in a civil trial involving an executive's embezzlement from the company.
- Affirmed on appeal to the D.C. Court of Appeals WTO's unanimous defense jury verdict for a hospital after a three-week trial in Washington, D.C. The plaintiffs alleged the doctor provided less than the standard of care, resulting in an infant's cerebral palsy. WTO established the child's condition was attributable to his 14-week premature birth.
- *Kelly-Williams v. AT&T* (La. 9th Jud. Dist. Ct.) - Won a jury defense verdict in Louisiana in a premises liability case in which a sign in an AT&T store fell and injured a child.
- Obtained a Rule 12(b) dismissal of a complaint filed in federal court in Missouri against a large international law firm. The plaintiffs ultimately obtained an eight-figure jury verdict against the remaining defendants in the case.
- *Mulcahy v. Rapid American* (Ill. Cook Cnty. Cir.Ct.) - Won a jury verdict in Cook County, Illinois, for General Electric in an asbestos duty to warn case involving power plant land turbines.
- *Friedland v. TIC & Geosyntec Consultants*, 566 F.3d 1203 (10th Cir. 2009) - Won affirmation of a trial court's summary judgment ruling and exposed "pollution for profit" in protracted CERCLA litigation for our engineering client before the Tenth Circuit.

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- *Estate of Hill v. Allstate Insurance*, 479 F.3d 735 (10th Cir. 2007) - Won affirmance from the Tenth Circuit of summary judgment for an insurer in a case seeking unlimited no-fault benefits for alleged failure to offer no-fault benefits.
- Obtained dismissal of a complaint filed with the Colorado Department of Regulatory Affairs against WTO's nurse client. After an extensive investigation, DORA dismissed the complaint in a non-appealable, final agency action based upon WTO's response.

## TEACHING POSITIONS

Faculty ABA-ABOTA National Trial Academy  
Faculty CBA-CLE  
Guest Lecturer, St. Mary's Law School  
Eastern New Mexico University  
Adjunct Professor  
Guest Lecturer, University of Northern Colorado

## REPRESENTATIVE CLIENTS

CNA - National Trial Counsel  
Corizon Health — National Coordinating Counsel  
General Electric - National Trial Counsel  
MedStar Health - National Trial Counsel  
Premier Insurance - National Trial Counsel  
Universal Health Services - National Trial Counsel

## BAR & COURT ADMISSIONS

Colorado  
District of Columbia  
Georgia  
Georgia Court of Appeals  
Illinois  
Maryland  
New Mexico  
U.S. Court of Appeals, 10th Circuit  
U.S. Court of Appeals, 7th Circuit  
U.S. Court of Appeals, 9th Circuit  
U.S. District Court, D. Colorado  
U.S. District Court, D. Columbia  
U.S. District Court, D. Maryland  
U.S. District Court, D. New Mexico  
U.S. District Court, D. Wyoming  
U.S. District Court, E.D. Wisconsin  
U.S. District Court, N.D. Illinois  
U.S. District Court, W.D. Washington  
U.S. Supreme Court  
Washington

# LAMAR F. JOST

Wind River Tribal Court  
Wyoming

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

### *Colorado Super Lawyers*

Personal Injury - Medical Malpractice Defense, 2018-2020

New Mexico Medical Review Committee

### *Colorado Rising Stars*

Personal Injury Defense: Products, 2009-2017

### *5280 Magazine*

Top Lawyer

Personal Injury: Defense, 2015

### *Denver Business Journal*

Forty Under 40, 2015

### *Law Week Colorado*

Up-and-Coming Lawyer, 2007

*Martindale-Hubbell AV®* Peer Review Rated

Colorado SOLACE Program – Chairman

Colorado Attorney Mentoring Program – Mentor

Faculty of Federal Advocates

Colorado Bar Association

Denver Bar Association

New Mexico Bar Association

Wyoming Bar Association

Federalist Society

Denver Health Foundation's *Inaugural Grand Rounds Class of 2016*

Colorado Defense Lawyers Association

Amicus Committee

## ARTICLES & PRESENTATIONS

### Articles

- Co-authored, "The Affordable Care Act and Colorado's Collateral Source Rule," *Denver Law Journal* (June 21, 2016).
- "Constitutional Law - The Commerce Clause in the New Millennium: Enumeration Still Presupposes Something Not Enumerated," 1 *Wyo. L. Rev.* 195 (2001).

### Books

- *Medical Records as Evidence* (December 2017).

### Book Chapters

- "Medical Malpractice," *Colorado Civil Claims: Elements, Defenses, and Sample Pleadings* (1st ed. 2019)
- "Witness Preparation Primer: Inviting a Witness to Provide Truthful and Favorable Testimony," *Mastering the Art of Preparing Witnesses* (2017).

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- "Deconstructing the Key Liability Expert: Strategy and Secrets for Successful Cross-Examination," *From the Trenches: Strategies and Tips From 21 of the Nation's Top Trial Lawyers* (2015).
- "Chapter 26: Commencement of the Action and Service of Process" *Colorado Methods of Practice* (2014).
- "Chapter 27: Civil Jury Trials" *Colorado Methods of Practice* (2014).
- "Chapter 28: Pleadings" *Colorado Methods of Practice* (2014).
- "Chapter 23: The Colorado Court System" *Colorado Methods of Practice* (2014).

## Presentations

- Living With & Mitigating the Threat of Medical Malpractice (2019).
- Complex Civil Litigation: Discovery to Trial (2019).
- Preserving the Record for Appeal: Critical Pointers (2019).
- "Business Law Torts," presented at the Colorado Bar Association's Annual Tort Law Update 2017 CLE (September 26, 2017).
- "How to Attack Multi-Million Dollar Life Care Plans," presented at MedStar Defense Counsel Retreat (July 17, 2017).
- "Rethinking Future Medical Expenses in the Age of ObamaCare," presented at the 2016 Wyoming State Bar Annual Meeting & Judicial Conference (September 15, 2016).
- "Damage Calculations in Tort Actions: Effect of the Affordable Care Act," presented to the Colorado Defense Lawyers Association 2016 Annual Conference (July 30, 2016).
- "The Affordable Care Act and Potential Implications for Damages Calculations in Medical Negligence Cases" presented at CBA-CLE Medical Malpractice: Hot Topics 2016 (April 15, 2016).
- "Damage Calculations in Tort Actions: Effect of the Affordable Care Act," presented for CLE at the Colorado Bar Association's Annual Tort Law Update (October 15, 2015).
- "Getting on the Right Side of the 'v.': Suing and Being Sued for Business Torts," presented at the Association of Corporate Counsel's In-House Counsel Forum (April 16, 2014).
- "Business Torts," presented at the CBA Litigation Section's Tort Law Update 2013 (September 20, 2013).
- "Wyoming and Colorado Liquor Liability Laws," presented to Colorado Claims Association (October 5, 2007).

## PERSONAL INTERESTS

Ultramarathons