



CRAIG R. MAY

Partner

may@wtotrial.com | P 303.244.1862 | F 303.244.1879

Craig May has appeared in litigation in 28 states, and his clients range from Fortune 500 pharmaceutical and medical device firms to leading ski resorts to independent oil and gas companies. Craig’s practice involves product liability, mass torts, personal injury, employment, and complex commercial disputes.

EDUCATION

University of Virginia School of Law, J.D., 1998
Order of the Coif
Virginia Law Review, Notes Editor

Stanford University, B.A., 1990, Political Science, Departmental Honors
Overseas Study, Oxford University

GOVERNMENT SERVICE

Law Clerk to The Honorable Deanell Reece Tacha, United States Court of Appeals for the Tenth Circuit

Law Clerk to The Honorable Sven Erik Holmes, United States District Court for the Northern District of Oklahoma

Legislative Assistant to the Honorable Kent Conrad, United States Senator from the State of North Dakota

ADMISSIONS

Colorado
Kansas

HIGHLIGHTS

- Won defense verdict in \$97M Vermont ski case
- Won a pro a bono victory in a First Amendment rights case with national attention.
- Won a motion to dismiss for a ski resort in a personal injury case in Colorado state court.
- Won preliminary injunction enforcing county mask mandates in a private school.
- Won an appeal for an online education provider against a school district.
- Negotiated landmark settlement for a New Jersey bank in litigation brought by the State of Colorado that threatened the viability of the multibillion-dollar fintech consumer lending industry.
- Won a defense verdict in a highly public, multi-week jury trial alleging a wrongful death claim against a recreation industry client following the tragic death of a minor. Successfully defended the appeal.

INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Telecommunications
- Oil & Gas
- Construction & Engineering
- Energy

PRACTICE AREAS

- Product Liability
- Mass Torts
- Commercial Litigation
- Appellate
- Catastrophic Injury Defense
- Employment

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BIOGRAPHY

Craig May has appeared in litigation in 28 states, and his clients range from Fortune 500 pharmaceutical and medical device firms to leading ski resorts to independent oil and gas companies. Craig's practice involves product liability, mass torts, personal injury, employment, and complex commercial disputes.

From building winning trial themes to identifying favorable resolution strategies to defending big decisions on appeal, Craig truly appreciates collaborating with clients to address litigation and business challenges. His clients include renowned ski areas, midsized and large oil and gas companies, and nationwide pharmaceutical and medical device companies. Across this dynamic range of industries, Craig has developed a reputation as being quick to learn his clients' businesses and priorities.

In addition to his extensive trial and arbitration experience, Craig has authored appellate briefs in numerous state and federal courts of appeals as well as the United States Supreme Court.

CASES

Product Liability

- Serving as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.
- Secured a ruling from a California appeals court affirming the preemption of claims brought against WTO's client for its abdominal stent medical device.
- Won an appeal for Pfizer in a groundbreaking preemption case before the Third Circuit.
- Obtained summary judgment for Pfizer on preemption grounds in a case alleging that a popular antidepressant caused suicide.
- Won exclusion of a star expert for the plaintiffs in antidepressant suicide litigation and won summary judgment for Pfizer in federal court in Kansas in a case alleging that the company's antidepressant led to the suicide of a minor.
- Obtained summary judgment for Pfizer in a case alleging wrongful death, failure to warn, and other claims involving the company's popular antidepressant, and won on appeal in the Ninth Circuit.
- Successfully resolved, both in and out of court, numerous product liability cases for a major medical device company involving a Class III implantable medical device that was removed from the market and the subject of significant regulatory action by the government.

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- Obtained a defense verdict for an auto manufacturer after a month-long jury trial alleging defective automotive airbags.

Oil & Gas

- Won an arbitration ruling for \$2.9 million, including punitive damages, for an investment fund misled into overpaying for an oil field services company based on misrepresentations made during the sale and omissions made during settlement negotiations regarding the sale.
- Won a victory in the Colorado Court of Appeals for Continental Resources in a dispute involving purported rights to a Colorado oil and gas lease.
- Prevailed in a preliminary injunction hearing in a dispute over a valuable lease farmout relating to a successful oil shale well in Wyoming for a large regional energy company.
- Represented a natural gas company in a complex contract dispute involving production from a large gas field in Wyoming; the case was favorably resolved before trial.
- Obtained a favorable jury trial result for a natural gas gathering company in a case involving allegations of breach of a gas purchase contract.
- Won a commercial arbitration that sought a buyout of client's multimillion dollar interest in a nationwide petroleum marketing joint venture.

Ski & Recreation

- Won a jury defense verdict for a ski resort in a closely watched, \$97 million catastrophic injury case in Vermont.
- Won a motion to dismiss for a ski resort in a personal injury case in Colorado state court. The plaintiff brought claims of willful and wanton conduct and false imprisonment based on a serious injury he sustained during a ski lesson.
- Won a defense verdict in a highly public, multi-week jury trial alleging a wrongful death claim against a recreation industry client following the tragic death of a minor. Successfully defended the appeal.
- Won summary judgment for a leading ski resort operator in a ski lift injury case.
- Obtained dismissal for a leading ski resort in a case in which the plaintiff sought extensive pre-suit discovery.
- Won dismissal of a case alleging injury as a result of tubing hill operations at a Colorado ski area.
- Advise recreation clients on industry-specific issues.

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Commercial Litigation

- Won a unanimous appellate decision for an online education provider against a school district, affirming WTO's prior victories for the client in district court and before the Colorado State Board of Education.
- Negotiated landmark settlement for a New Jersey bank in "true lender" litigation brought by the State of Colorado that threatened the viability of the multibillion-dollar fintech consumer lending industry.
- Won a jury verdict for Armstrong Steel against claims of false advertising and defamation in a two-week trial in federal court in Colorado. A competitor of Armstrong sought millions of dollars.
- Assisted a biotech company in an appellate briefing before the Federal Circuit, resulting in reversal of an adverse summary judgment and remand to the state court where our client had filed the complaint.
- Helped obtain dismissal of class action litigation against a national entertainment client in case alleging Colorado Consumer Protection Act violation for language on tickets sold for client's event.
- Obtained reversal in the Ninth Circuit Court of Appeals of a trial court's refusal to send a contract dispute to arbitration. WTO successfully resolved the case for a telecommunications company client after the Ninth Circuit ruling.
- Successfully defended long distance reseller contract disputes for a major telecommunications company in cases litigated in courts around the country and before the American Arbitration Association.
- Obtained a favorable jury trial result for a manufacturer in a commercial dispute with a dealer alleging significant lost profits.
- Obtained a favorable settlement for a mining equipment manufacturer whose expensive equipment was severely damaged by a commercial lessee.

Employment

- Won a complete defense verdict for CollegeAmerica (aka The Center for Excellence in Higher Education) in a lawsuit brought by the U.S. Equal Employment Opportunity Commission. WTO attorneys won dismissal of two claims relating to severance provisions in 2014. A federal jury decided for CollegeAmerica on the final claim of retaliation in 2016.
- Obtained dismissal of key claims brought by the Equal Employment Opportunity Commission (EEOC) of alleged violations of the Age Discrimination in Employment Act (ADEA) and involving the EEOC's national campaign to limit employers' language in separation agreements. Two claims brought by the EEOC were dismissed outright for lack of subject matter jurisdiction. A third claim continues to be litigated.

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- Handled matters in and out of court involving trade secrets, noncompetes, and other employment issues.

Pro Bono

- Submitted an amicus brief for a coalition of religious organizations in *Taxpayers for Public Education v. Douglas County School District*. The Colorado Supreme Court adopted the position urged in the brief. The coalition included the Anti-Defamation League, the Baptist Joint Committee for Religious Liberty, the Central Conference of American Rabbis, Disciples Justice Action Network, Equal Partners in Faith, Hadassah, the Hindu American Foundation, and the Union for Reform Judaism.
- Submitted an amicus brief for the Main Street Business Alliance to the Colorado Court of Appeals in the highly publicized case, *Masterpiece Bakery v. Craig*, which tested the limits of Colorado's antidiscrimination law. The Court of Appeals backed the position urged in the amicus brief.

Other Relevant Experience

- Won a pro bono victory lifting the unconstitutional banishment of a former Woodland Park School District employee from school board meetings and other property. The case restored our client's First Amendment rights and earned national media coverage.
- Won a preliminary injunction—following a three-day hearing—for Jefferson County Public Health requiring private schools to comply with the county-wide mask mandate and public health inspections.

TEACHING POSITIONS

University of Tulsa School of Law
Constitutional Law II, Lecturer

REPRESENTATIVE CLIENTS

Advanced Bionics - National Trial Counsel
Pfizer
QEP Resources
Qwest Communications
Vail Resorts, Inc.

BAR & COURT ADMISSIONS

Colorado
Kansas
U.S. Supreme Court
U.S. Court of Appeals, 10th Circuit
U.S. Court of Appeals, 4th Circuit
U.S. Court of Appeals, 5th Circuit

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U.S. Court of Appeals, 9th Circuit
U.S. District Court, C.D. Illinois
U.S. District Court, D. Colorado
U.S. District Court, D. Kansas
U.S. District Court, N.D. Oklahoma

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America

Denver Product Liability Litigation Lawyer of the Year, 2015
Commercial Litigation, 2018-2024
Insurance Litigation, 2016-2024
Personal Injury Litigation, 2013-2024
Product Liability Litigation, 2013-2024

The Legal 500 United States

Litigation: Product Liability and Mass Tort Defense, 2011

Colorado Super Lawyers

Business Litigation, 2010-2024
Top 100, 2013-2018, 2021-2024

Colorado Rising Stars

Business Litigation, 2009

Benchmark Litigation

Local Litigation Star, Colorado, 2018, 2020-2024
Future Star - Colorado, 2013

Martindale-Hubbell AV® Peer Review Rated

American Bar Association

Colorado Bar Association

Denver Bar Association

Defense Research Institute

Colorado Defense Lawyers Association

Association of Ski Defense Attorneys

Board of Directors

International Association of Defense Counsel

Judge William E. Doyle American Inn of Court

Executive Committee Member

Past President, 2014-2015

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

National Ski Areas Association, Member

Public Education and Business Coalition

Board Member

Catalyst Advisory Group, Member

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Leadership Denver Program

Graduate, 2010

Denver Business Journal's Forty Under 40, 2008

Internet Safety Foundation

Founding Member and Treasurer

ARTICLES & PRESENTATIONS

- Presenter, "Recreation Litigation: Colorado," CDLA webinar, (July 16, 2018).
- Presenter, "Ethics, Social Media, and You," The Association for Corporate Counsel, Colorado Chapter, (December 4, 2013).
- "Current Regulatory and Enforcement Issues and Their Impacts on the Medical Device Industry," Moderator, American Bar Association Drug & Medical Device Seminar, (November 16, 2012).
- Presenter, "Hot Topics in Medical Device Litigation," ABA Seminar on Current Issues in Medical Device Litigation, (October 1, 2007).
- "Taking Action: Rejecting the Passive Disposal Theory of Prior Owner Liability Under CERCLA," 17 Va. Env'tl. L.J. 385, (January 1998).

PERSONAL INTERESTS

Family, golf, skiing, hiking, and politics