



TERENCE M. RIDLEY

Partner

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Terence Ridley focuses his practice on civil litigation in the insurance industry, with an emphasis on the defense of bad faith claims and class action cases.

EDUCATION

University of Denver Sturm College of Law, J.D., 1985
Denver University Law Review, Issue Editor

University of Pennsylvania, B.A., 1981, Political Science, *magna cum laude*

GOVERNMENT SERVICE

Law Clerk to The Honorable Luis D. Rovira (Ret.), Colorado Supreme Court

OTHER EXPERIENCE

Otten, Johnson, Robinson, Neff & Ragonetti, P.C. (civil litigation)
Roath & Brega (personal injury and commercial litigation)

ADMISSIONS

Colorado

HIGHLIGHTS

- Won 10th Circuit appeal for Owners Insurance Co. against inflated insurance claims.
- Won a trial court ruling for Owners Insurance Co. on remand from the Colorado Supreme Court, proving that a policyholder-appointed appraiser was improperly biased. The trial court vacated *in toto* a \$3 million property-damage appraisal award.
- Won a groundbreaking ruling from the Colorado Supreme Court requiring insurance appraisers to be fully unbiased and impartial.
- Won a federal jury trial for an insurer as counter-claimant, and won recoupment of a past coverage payout, after a homeowners association filed a bad faith lawsuit based on an inflated property damage claim.
- Won reversal of a \$3 million property appraisal award and disqualification of the appraiser and umpire.
- 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.
- Won complete affirmance for an insurer in two published opinions from the Tenth Circuit involving an improperly obtained, eight-figure appraisal award.

INDUSTRIES

- Insurance
- Construction & Engineering

PRACTICE AREAS

- Class Actions
- Commercial Litigation

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BIOGRAPHY

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CASES

- *Sunflower Condo. Ass'n v. Owners Ins. Co.*, No. 18-1478, 2020 WL 598981 (10th Cir. Feb. 7, 2020) - Won a significant appeal for Owners Insurance Company against a condominium association that filed an inflated insurance claim and sought more than \$5 million in total damages.
- *Owners Ins. v. Dakota Station II Condo Ass'n, Inc.*, No. 2015-cv-31037 (Jefferson Cty. Dist. Ct. Colo. 2020) - Won for Owners Insurance Company in the trial court on remand from the Colorado Supreme Court, proving that a policyholder-appointed appraiser was improperly biased and had inflated a \$3 million property-damage appraisal award. The court vacated the inflated award *in toto*, granting all the relief Owners requested.
- *Owners Ins. Co. v. Dakota Station II Condo. Ass'n, Inc.*, 443 P.3d 47 (Colo. 2019) - Won a groundbreaking ruling from the Colorado Supreme Court requiring insurance appraisers to be fully unbiased and impartial.
- *Sunflower Condo. Ass'n v. Owners Ins. Co.*, No. 16-cv-02946 (D. Colo. 2018) - Won a federal jury verdict in a trial for an insurer pursuing counterclaims against a homeowners association that filed an inflated insurance claim and sought more than \$5 million in total damages. The Court entered judgment for the client for the full amount that had been paid in benefits, plus interest and costs.
- *American Family v. Copper Oaks* (D. Colo. 2018) - Won reversal of a \$3 million property appraisal award against American Family and disqualification of the plaintiff's national property appraiser as well as the umpire on grounds that they were not impartial and failed to disclose directly relevant financial incentives and relationships.
- *Snyder v. ACORD*, 2019 WL 319407 & 2016 WL 192270 (D. Colo.) - 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.
- *Auto-Owners v. Summit Park*, 886 F.3d 852 and 886 F.3d 863 (10th Cir. 2018) - Won complete affirmance in the Tenth Circuit of landmark rulings governing insurance appraisals. In two published opinions, the Tenth Circuit affirmed trial court rulings vacating an eight-figure appraisal award against the client, disqualifying for bias a national policyholder appraiser, and sanctioning the policyholder and its lawyers for misconduct in connection with the appraisal.

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- *Claycomb v. Fox* (Colo. Ct. App. 2017) - Won reversal and remand of an adverse jury verdict and affirmed sanctions against opposing counsel. The defendant's insurer hired WTO to handle the appeal after the trial judge directed that the defendant be found at least 51% liable, leading the jury to award the plaintiff over \$1,000,000.
- *Auto-Owners v. Summit Park*, 2016 WL 1321507 (D. Colo.) - Won order vacating a \$10.87 million property insurance award and disqualifying a national property appraiser, and subsequently won sanctions against the policyholder and its lawyers, and won 99.7% of attorneys' fees and costs.
- *Warne v. Hall*, 373 P.3d 588 (Colo. 2016) - Assisted in winning a ruling from the Colorado Supreme Court requiring Colorado state courts to apply the *Twombly* pleading standard. WTO co-authored an amicus brief for the Colorado Civil Justice League urging the Court to adopt "plausibility" pleading in Colorado to discourage forum shopping and improve the Colorado justice system.
- *Fisher v. State Farm Mut. Auto. Ins. Co.*, No. 2015-SC-472 (Colo. Sup. Ct.) - Represented three of the nation's preeminent insurance industry trade associations in an amici curiae brief urging the Colorado Supreme Court to grant certiorari review of a Court of Appeals decision that stands to rewrite virtually every UM/UIM insurance policy issued in Colorado.
- *Allstate Ins. Co. v. Med. Lien Mgmt., Inc.*, 2015 CO 32 - Won reversal from the Colorado Supreme Court for Allstate in a precedent-setting ruling on the practice of "assigning" potential future personal injury settlements to third parties, such as medical lien companies.
- *Sipes v. Allstate Indemnity* (D. Colo. 2013) - Won a complete defense verdict in a bad faith matter for Allstate before the United States District Court for the District of Colorado.
- *Berkshire Hathaway Homestate Companies v. Skaj* (D. Wyo. 2013) - Won summary judgment on issue of bad faith in a failure to defend case arising under a commercial auto policy. The trial court found coverage by estoppel under Wyoming law. The Tenth Circuit affirmed.
- *King v. Allstate Insurance* (D. Colo. 2013) - Won a complete defense verdict for Allstate Insurance Company in an insurance bad faith case brought in the United States District Court for the District of Colorado.
- *Gold Peak at Palomino Park v. William W. George & Associates, et al.* (Douglas Cty. Dist. Court 2012) - Defended negligence suit against retail insurance broker for allegedly failing to procure sufficient insurance under an Owner Controlled Insurance Program to cover an \$18.2 million dollar construction defect verdict involving 250 condominiums.
- *Apodaca v. Allstate Insurance* (Colo. June 20, 2011) - Won a Colorado Supreme Court decision favorable to WTO's client, Allstate, and all Colorado auto insurers in a purported class action involving disclosures associated with underinsured and uninsured motorist policies.

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- *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.
- *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.

BAR & COURT ADMISSIONS

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

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

American College of Coverage Counsel
Fellow
The Best Lawyers in America
Insurance Law, 2010-2020
Insurance Litigation, 2017-2020
Commercial Litigation, 2016-2020
Mass Tort Litigation/Class Actions - Defendants, 2020
Colorado Super Lawyers
Insurance Coverage, 2012-2020
Top 100, 2012-2016, 2019-2020
Civil Litigation Defense, 2006-2011
5280 Magazine
Top Lawyer
Insurance, 2017-2020
Law Week Colorado
2019 Top Litigator
"Barrister's Choice" Best Insurance Defense Lawyer, 2019
"People's Choice" Best Insurance Defense Lawyer, 2017
Martindale-Hubbell AV® Peer Review Rated
ABA Insurance Coverage Litigation
Section of Litigation
Federation of Defense & Corporate Counsel, 2004-present
Vice-Chair, Extra Contractual Liability, 2020-2021
Member, Amicus and Public Policy Committee, 2020-2021
Board of Directors, 2015-2017
Chair, Class Action and Multidistrict Litigation Section
Member, Reinsurance, Excess, and Surplus Lines Section
Vice-Chair, Membership Development and Retention
Committee, New Members, 2011

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Vice-Chair, Extra Contractual Liability Section
Colorado Defense Lawyers Association
Colorado Bar Association
Vice-Chair, Insurance Committee, 2020
Board of Governors (former)
Claims Litigation Management Alliance

ARTICLES & PRESENTATIONS

- "The Ever Changing Landscape of Appraisal," presented at the 2018 RIMKUS Consulting Group conference (May 11, 2018).
- Co-authored "Bad Faith Set-Ups of Insurance Companies," *FDCC Insights* (June 2016).
- "Recent Assaults on the Most Sacred Privilege of All: Does the Attorney-Client Privilege Still Exist?" presented to the Federation of Defense and Corporate Counsel Section on Extra-Contractual Liability (July 29, 2014).
- "Sampling, Extrapolation, and Experts: What's Left?" presented at the 2014 Federation of Defense & Corporate Counsel Winter Meeting, Florida (March 7, 2014).
- "Bad Faith Claims: Managing Risks and Avoiding Liability" (November 18, 2013).
- "Depositions of the Corporate Representative: What You Need to Know" CLE seminar (October 25, 2012).
- "Class Action Litigation One Year After *Dukes v. Wal-Mart*: A Happy Anniversary?" presented at the Federation of Defense & Corporate Counsel Annual Meeting, Whistler, Canada (August 2, 2012).
- "Arbitration Clauses and Class Certification," presented to the Association of Corporate Counsel Colorado Chapter (June 26, 2008).