



## DAVID J. SCHALLER

### Partner

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**David Schaller represents clients in complex commercial and torts matters ranging from franchise and distribution disputes to catastrophic trucking liability claims. Dave relies on his significant prior experience in business to appreciate his clients' priorities relating to complex commercial disputes.**

### EDUCATION

University of Denver Sturm  
College of Law, J.D., 2003  
Order of St. Ives

University of Massachusetts,  
B.A., 1991, English and  
Psychology

### OTHER EXPERIENCE

Ballard, Spahr, Andrews &  
Ingersoll, L.L.P.

### ADMISSIONS

Colorado

### HIGHLIGHTS

- Serving as regional trial counsel to a leading national shipping company for high-stakes trucking litigation.
- Won affirmance of summary judgment for a Michelin subsidiary in a fraud case before the Second Circuit.
- Won for FCA in the Missouri Court of Appeals, reversing a post-trial motion that had been issued after WTO won a complete defense jury verdict in St. Louis.
- Represented an international shipping and package delivery company in numerous arbitrations involving independent contractor classification.
- Won a complete defense verdict in a jury trial for an automotive manufacturer on claims challenging major aspects of the business operation.
- Represented a major oil producer in arbitration to recover damages stemming from a business partner's breach of contract.
- Represented major automotive manufacturers in litigation involving dealer terminations in Oregon and Colorado.

### INDUSTRIES

- Automotive
- Trucking
- Oil & Gas
- Real Estate
- Legal Services
- Insurance
- Professional Services

### PRACTICE AREAS

- Commercial Litigation
- Franchise & Distribution
- Product Liability
- Professional Liability
- Personal Injury Defense

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## BIOGRAPHY

David Schaller represents clients in complex commercial and torts matters ranging from franchise and distribution disputes to catastrophic trucking liability claims. Dave relies on his significant prior experience in business to appreciate his clients' priorities relating to complex commercial disputes.

Prior to entering law, Dave spent 12 years in business. During this time, he developed firsthand experience with the types of challenges and disputes his clients bring to him now. These include contractual breaches, employment claims, competition issues, vendor agreements, and real estate transactions. Dave's business background heavily informs his practice and helps him walk in his clients' shoes. He efficiently and creatively resolves legal disputes while safeguarding the relationships that help his clients' businesses thrive.

Dave has successfully tried cases and arbitrations, conducted evidentiary hearings, prevailed on dispositive motions, and negotiated highly favorable settlements in jurisdictions across the country.

## CASES

- Serving as regional trial counsel to a leading national shipping company for high-stakes trucking litigation.
- *Star Funding v. Tire Centers, et al.*, 17-1074 (2nd Cir. 2017) - Won Second Circuit affirmance for a Michelin subsidiary upholding summary judgment from the Southern District of New York. The case involved fraud perpetrated by a former employee and a third party.
- *Century Motor v. FCA US* (Mo. Ct. App. E.D.) - Won a significant appeal for FCA (Chrysler) in the Missouri Court of Appeals relating to a 2014 jury trial WTO won for Chrysler. Following trial, the judge entered a declaration in favor of the plaintiff on one remaining count. The Court of Appeals reversed following WTO's successful argument.
- Represented an international shipping and package delivery company in numerous arbitrations involving independent contractor classification.
- Won a complete defense verdict in a jury trial for an automotive manufacturer on claims challenging major aspects of the business operation.
- Represented a major oil producer in arbitration to recover damages stemming from a business partner's breach of contract.
- Represented major automotive manufacturers in litigation involving dealer terminations in Oregon and Colorado.
- Represented a major REIT in class action arbitration initiated to recover damages related to a natural disaster.
- *Century Motor v. Chrysler* (Mo. 2014) - Won a complete jury verdict for Chrysler Group LLC in a Missouri lawsuit involving an automobile dealer plaintiff claiming damages of tens of millions of dollars.

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- Obtained complete dismissal of a ten-count discrimination complaint against a Fortune 100 client. WTO won the ensuing appeal to the Tenth Circuit, affirming the trial court's dismissal in full.
- *Juwi Solar v. Maynard* (Colo. Boulder Cnty. Dist. Ct. 2013) - Successfully represented employers in noncompete and trade secret litigation, including obtaining injunctive relief against a former employee of a solar power plant developer for violation of noncompete and nondisclosure agreements.
- Won a bench verdict in state court in a legal malpractice matter. After the law firm brought a collection action against a former client, the former client countered with a multimillion-dollar damages demand, claiming breach of fiduciary duty. Following a one-week trial, the judge dismissed the former client's counterclaim and awarded WTO's client the full amount of fees owed plus interest.
- Defended an investment advisory firm in Cook County, IL against a \$10 million professional negligence claim. After a two-week trial, the jury found for the defendant.
- Represented a managing partner in a \$5 million suit between law firm partners with respect to claims of fraud and mismanagement. After a two-week trial, WTO's client prevailed on fraud and mismanagement claims, and the Court ordered an accounting and liquidation of the firm.
- Co-managed with one other law firm the response to requests from 418 dealers for arbitration relating to the bankruptcy of Chrysler Group LLC and following Chrysler's termination of those dealerships. WTO litigated 187 of these Section 747 arbitrations, and, as directed by Congress, resolved all of the litigation within seven months--with a 96% success rate.
- *Larry Menke v. DaimlerChrysler*, 90 Cal. Rptr. 3d 389 (2009) - Won affirmation for Chrysler before the California Court of Appeals in an opinion that established favorable precedent for manufacturers operating in California. The Court affirmed a trial court's complete dismissal of claims against Chrysler for rejecting a prospective dealership purchaser.
- Represent major automotive manufacturer in defense of product liability claims involving varying designs of sport utility vehicles.

## TEACHING POSITIONS

National Institute for Trial Advocacy  
Rocky Mountain Deposition Skills Seminar  
Instructor

## REPRESENTATIVE CLIENTS

Aimco  
FedEx Freight, Inc.  
USAA

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## BAR & COURT ADMISSIONS

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

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

*Colorado Super Lawyers*  
Business Litigation, 2014-2020  
*Colorado Rising Stars*  
Business Litigation, 2010-2013  
*Law Week Colorado*  
Up-and-Coming Lawyer, 2009  
American Bar Association  
Colorado Bar Association  
Denver Bar Association  
Defense Research Institute  
Wheeler Trigg O'Donnell Recruiting Committee  
Co-chair

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Inspire Creative  
Vice President, Board of Directors

## ARTICLES & PRESENTATIONS

### Presentations

- "Franchise Drafting Tips from Franchise Litigators: Common Provisions Leading to Unintended Consequences," presented to the Colorado Bar Association, Franchise Law Subsection, (September 29, 2016.)
- "Business Documents and Document Drafting From the Perspective of Litigators – The Big Blunders!" presented to the Colorado Bar Association, Business Law Institute (September 15, 2016).
- "The Lifecycle of Litigation – Avoiding (Or Managing) A Trainwreck," presented to the Colorado Bar Association, Business Law Institute (September 15, 2016).
- Trial Coach, Colorado Defense Lawyers Association Annual Trial Academy (April 20, 2016).
- Panelist "What Business Lawyers Do That Litigators Love: Your Worst Nightmares," presented at the Colorado Business Law Institute (October 28, 2015).
- "A Roadmap for Successful Arbitration," presented to the Association for Corporate Counsel Colorado Chapter (May 3, 2012).

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## PERSONAL INTERESTS

Golf, skiing, four-wheeling, and enjoying Colorado with family