



## JESSICA GONEAU SCOTT

### Partner

scott@wtotrial.com | P 303.244.1846 | F 303.244.1879

**Jessica Scott defends major companies facing serious class action threats. She serves as national coordinating counsel for a leading shipping company in FLSA collective actions and in individual and class wage and hour claims. She also handles the company’s employee classification disputes. Jessica additionally defends a major global appliance manufacturer in high-risk consumer class actions nationwide. She has significant appellate experience, including in the distinct area of punitive damages.**

### EDUCATION

University of California, Berkeley  
- Boalt Hall School of Law, J.D.,  
2004

Order of the Coif

Humboldt State University, B.A.,  
2000, Major in Psychology; Minor  
in Criminal Justice, *summa cum  
laude*

### GOVERNMENT SERVICE

Judicial Clerk to The Honorable  
Andrew J. Kleinfeld, United  
States Court of Appeals for the  
Ninth Circuit

### ADMISSIONS

Colorado  
Montana

### HIGHLIGHTS

- Won Montana Supreme Court victory affirming pre-paid debit cards are a valid refund.
- As National Coordinating Counsel, WTO implemented new strategy for a national transportation industry leader facing wage and hour claims in California. Thanks to WTO's approach, trial counsel in California filed and won a critical motion.
- Won dismissal with prejudice in a putative wage-and-hour class action in Kentucky.
- Serve as national coordinating counsel to a major transportation company in FLSA collective action and individual and class wage and hour claims.
- Won summary judgment for a multinational corporation in a putative class action dealing with employment misclassification issues in New Mexico, thereby ending over two years of litigation. The court also denied the plaintiff's motion for class certification as moot.
- Successfully opposed conditional certification of an FLSA collective action and won summary judgment against the named plaintiff.
- 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.

### INDUSTRIES

- Automotive
- Professional Services
- Financial Services
- Legal Services
- Trucking
- Medical Devices & Pharmaceuticals
- Consumer Products & Services
- Insurance

### PRACTICE AREAS

- Appellate
- Class Actions
- Franchise & Distribution
- Employment
- Commercial Litigation
- Product Liability
- Personal Injury Defense

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## BIOGRAPHY

Jessica Scott defends major companies facing serious class action threats. She serves as national coordinating counsel for a leading shipping company in FLSA collective actions and in individual and class wage and hour claims. She also handles the company's employee classification disputes. Jessica additionally defends a major global appliance manufacturer in high-risk consumer class actions nationwide. She has significant appellate experience, including in the distinct area of punitive damages.

In addition to her class actions practice, Jessica has successfully handled a steady stream of critical appeals for her clients. She has served as appellate counsel in the U.S. Tenth Circuit Court of Appeals, the Montana Supreme Court, the Colorado Court of Appeals, and the Arizona Court of Appeals. She has won decisions for her clients in each of these.

Jessica has also argued and prevailed on numerous dispositive motions in state and federal court, saving her clients time and money by circumventing the need to go to trial. Additionally, Jessica has taken the lead on several mediations, all of which ended favorably for her clients.

Jessica has significant experience developing and implementing strategic plans for discovery in large-scale cases, including managing the collection, review, and production of electronic discovery for large companies. When faced with a new case or new challenge presented by a client, Jessica first discusses with the client its goals for the litigation and then works hand-in-hand with the client to develop the best strategy for implementing those goals and doing so with as little burden on the client as possible.

Jessica's notable results include a unanimous affirmance by the Montana Supreme Court for Ford Motor Co.; reducing punitive damages in an appeal in Arizona state court from an 8:1 ratio to 1:1; and, as second chair in a two-and-a-half week jury trial in a high-exposure insurance bad faith case, winning a full defense verdict for WTO's client in less than two hours of jury deliberations.

## CASES

- Won Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed WTO's prior summary judgment win and defeated the plaintiff's new claims on appeal.
- As National Coordinating Counsel, WTO implemented new strategy for a national transportation industry leader facing wage and hour claims in California. Thanks to WTO's approach, trial counsel in California filed and won a critical motion that will greatly assist in the defense of the case going forward.
- Won dismissal with prejudice in a putative wage-and-hour class action in Kentucky. After defeating the plaintiff's attempt to obtain nationwide discovery against WTO's client, WTO then filed a summary judgment motion on the plaintiff's claims. Rather than opposing the motion, the plaintiff agreed to dismiss his claims with prejudice.

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- Serve as national coordinating counsel to a major transportation company in FLSA collective action and individual and class wage and hour claims.
- Won summary judgment for a multinational corporation in a putative class action dealing with employment misclassification issues in New Mexico, thereby ending over two years of litigation. The court also denied the plaintiff's motion for class certification as moot.
- Successfully opposed conditional certification of an FLSA collective action and won summary judgment against the named plaintiff.
- *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.
- *Byorth et al. v. USAA*, 2016 MT 32 - Won Montana Supreme Court reversal of class certification against USAA in bad faith litigation and remand to the district court for further proceedings.
- *Jewkes v. USAA* (D. Colo. 2015) - Successfully defended insurer USAA in an insurance bad faith and breach of contract trial arising out of the devastating Waldo Canyon wildfire of 2012. The plaintiff voluntarily dismissed one claim the morning of trial, lost another claim, and was awarded just five figures on the third claim after having demanded more than \$1 million.
- *Walker v. Ford Motor Co.* (Colo. App. 2015) - Won reversal of a 2013 jury verdict against Ford Motor Co. in a case that alleged strict liability and negligence relating to a rear-end collision in a 1998 Ford Explorer. The Court of Appeals concluded that the application of consumer expectation as a standalone test in Colorado's pattern jury instructions does not comply with Colorado law as established by the Colorado Supreme Court in *Camacho v. Honda Motor Co.* (1987).
- Won Montana Supreme Court affirmance of a jury verdict favoring Ford Motor Company in a product liability case involving a fatal car accident.
- Represented an international shipping and package delivery company in numerous arbitrations involving independent contractor classification.
- Won before the Colorado Court of Appeals for an insurance company in a breach of contract matter.
- Won a unanimous jury defense verdict in a three-week trial in Denver District Court for USAA. WTO lawyers defeated breach of contract and bad faith claims in connection with USAA's refusal to provide coverage for a roof on the plaintiffs' property. The jury returned a complete defense verdict in less than one hour.

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- 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.
- Successfully settled three separate independent contractor classification matters in Colorado, including a certified class action and a mass action involving 83 plaintiffs.
- *Saaremets v. Whirlpool* (E.D. Cal. 2010) - Obtained dismissal of a plaintiff's class action complaint alleging false advertising filed against Whirlpool.
- *Scoggins v. Encompass Insurance* (Colo. App. 2009) - Defended an appeal to the Colorado Court of Appeals that affirmed the trial court's finding that WTO's client, Encompass Insurance, was not liable for the claims brought against it in an insurance case. Subsequently defended the award of costs to WTO's client.
- *Kail v. Whirlpool* (D. Colo. 2009) - Obtained a highly favorable non-class settlement in a putative, multistate class action involving Whirlpool-made wall ovens.
- *Hudgins v. Southwest Airlines*, 212 P.3d 810 (Ariz. App. 2009) - Won an 88% reduction in the appeal of a punitive damages award in a case tried by another firm.
- *Rush v. Whirlpool* (W.D. Ark. 2008) - Defeated certification of a multistate class action in Arkansas federal court involving claims that certain Whirlpool-made refrigerators were defective.
- *Wobst v. Allstate Insurance*, 262 Fed. App'x 75 (10th Cir. 2008) - Summary judgment affirmed.
- *Allen v. Martin*, 203 P.3d 546 (Colo. App. 2008.) - Obtained affirmance of summary judgment on a previously undecided question of Colorado law.
- *Ganyard v. Allstate Insurance* (Colo. App. 2008) - Won affirmance of summary judgment.

## TEACHING POSITIONS

National Institute for Trial Advocacy

Rocky Mountain Trial Skills Seminar

Instructor, 2011

Advanced Advocates Training Program for the National Organization  
of Bar Counsel

Instructor, 2011

## REPRESENTATIVE CLIENTS

Advanced Bionics - National Trial Counsel

CNA - National Trial Counsel

Ford Motor Company

USAA

Whirlpool - National Trial Counsel

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## BAR & COURT ADMISSIONS

Colorado  
Montana  
U.S. Court of Appeals, 10th Circuit  
U.S. Court of Appeals, 6th Circuit  
U.S. Court of Appeals, 7th Circuit  
U.S. District Court, D. Colorado  
U.S. District Court, D. New Mexico  
U.S. District Court, E.D. Michigan

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

*Colorado Rising Stars*  
Class Action/Mass Torts, 2010-2020  
*Benchmark Litigation*  
Future Star - Colorado, 2015-2018  
*Law Week Colorado*  
Up-and-Coming Lawyers, Finalist, 2010  
Defense Research Institute  
Appellate Advocacy Committee  
Tenth Circuit Reporter  
International Association of Defense Counsel (IADC)  
American Bar Association  
Colorado Bar Association  
Denver Bar Association  
University of California Boalt Hall School of Law  
Jurisprudence Award in Property, Criminal Procedure, & Evidence  
Prosser Award in Contracts, Legislation, Legal Professions, & Appellate Advocacy  
Moot Court Advocacy Award

## ARTICLES & PRESENTATIONS

- "An Interview with Judge Gail Andler about Class Action Settlements," ABA Section of Litigation Women Advocate Committee (Summer 2016, Vol. 21, No. 4).
- "Trim the Fat: Lean Writing, Powerful Results," DRI For The Defense (June 2016).

## PERSONAL INTERESTS

Swimming, Colorado Rockies baseball, and high school football