



EDWARD C. STEWART

Partner

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Ed Stewart represents automakers and other manufacturers in product liability, class action, and complex commercial litigation. He has tried 28 cases and three arbitrations to verdict or decision in 13 states.

EDUCATION

University of Wisconsin Law School, J.D., 1991, *cum laude*
Wisconsin Law Review, Note and Comment Editor

University of Missouri, B.A., 1988, English; Political Science, *summa cum laude*

OTHER EXPERIENCE

McDermott, Will & Emery, Chicago, Illinois

ADMISSIONS

Arizona
Colorado
Illinois
Wisconsin (Inactive)

HIGHLIGHTS

- Won a trial verdict in Colorado District Court as co-counsel for a large financial services provider in a \$75 million dispute.
- Serving as regional trial counsel to a leading national shipping company for high-stakes trucking litigation.
- Won a significant product liability appeal for Ford in the Colorado Supreme Court.
- Won "extraordinary remedy" for Ford in the Colorado Supreme Court.
- Won a complete defense jury verdict for Michelin in a nine-week trial in Florida with \$80 million to \$1.2 billion at stake.
- Won unanimous defense verdict for Michelin in a \$20 million Arizona tread separation lawsuit.
- Won reversal and remand in a precedent-setting Ford seatback case.

INDUSTRIES

- Automotive
- Trucking
- Consumer Products & Services
- Medical Devices & Pharmaceuticals
- Telecommunications
- Financial Services
- Construction & Engineering

PRACTICE AREAS

- Commercial Litigation
- Product Liability
- Personal Injury Defense
- Mass Torts

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BIOGRAPHY

Edward Stewart's litigation practice focuses on the defense of product liability, class actions, and complex commercial cases for major manufacturers. He has particular experience defending consumer class actions involving automobile and home appliance product-defect claims. Ed has represented Ford Motor Company for years as national trial counsel on several product lines. He also has experience defending clients in the trucking industry. Ed has tried 28 cases to verdict and three arbitrations to decision in 13 states across the U.S.

CASES

- Won a trial verdict in Colorado District Court as co-counsel for a large financial services provider in a \$75 million dispute over the company's allegedly excessive fees.
- Serving as regional trial counsel to a leading national shipping company for high-stakes trucking litigation.
- *Walker v. Ford Motor Co.*, 2017 CO 102 - Won a significant victory for Ford Motor Co. in the Colorado Supreme Court. The case reestablishes that the risk-benefit test is the appropriate test for juries to assess whether a product has been defectively designed. The Court also held that a manufacturer could not be negligent if it designed a "reasonably safe" product.
- *Magill v. Ford Motor Co.* (Colo. 2016) - Won a Rule 21 petition (an "extraordinary remedy") for Ford to the Colorado Supreme Court in a case involving general jurisdiction and venue claims. The opinion makes it harder for companies with no connection to Colorado to be sued in the state.
- *Dukes v. Michelin* (Nineteenth Jud. Cir. St. Lucie Cnty. FL 2016) - Won a complete defense jury verdict for Michelin following a nine-week product liability trial in Florida in which the plaintiffs requested damages between \$80 million and \$1.2 billion following a rollover accident involving Michelin tires. WTO also won the appeal.
- *Allen v. Michelin* (Ariz. Sup. Ct. Mohave Cnty. 2015) - Won a unanimous defense verdict for Michelin following a three-week trial in Arizona state court in which the plaintiff demanded \$20 million in actual and punitive damages.
- *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).
- *Hoffman v. Ford* (10th Cir. 2012) - Won Tenth Circuit reversal of a federal district court jury verdict favoring the plaintiff and secured a judgment in favor of Ford Motor Co. in a product liability case involving a rollover crash in which the plaintiff was rendered a quadriplegic.

EDWARD C. STEWART

- *Schanel v. Ford Motor Co.* (Colo. Ct. App. 2012) - Defended the appeal to the Colorado Court of Appeals of a 2010 jury verdict that WTO won for Ford Motor Company in an electronic throttle product liability case.
- *WhiteWave Foods, Co. v. Northland Organic Foods* (Boulder Cnty. Dist. Ct. 2011) - Won a verdict in Boulder District Court of Colorado in favor of a food production company in a breach-of-contract action it brought against the sole shareholder and officer of an organic food production company.
- 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.
- *In re Ford Explorer Cases* (Cal. Sacramento Cnty. Super. Ct. 2007) - Defended Ford Motor Co. in a four-month certified class action trial involving \$2 billion in consumer fraud claims. On the day set for closing arguments, the plaintiffs agreed to a no-cash, coupon-based settlement for the California class and classes in three other states with pending parallel actions.
- Successfully defended Ford in a fraud case when the United States District Court for the Northern District of New York dismissed the plaintiffs' various consumer fraud claims.

REPRESENTATIVE CLIENTS

Empower Retirement Services
Ford Motor Company
Furniture Row
Michelin North America, Inc.
U-Haul International, Inc.

BAR & COURT ADMISSIONS

Arizona
Colorado
Illinois
Wisconsin (Inactive)
U.S. Court of Appeals, 10th Circuit
U.S. Court of Appeals, 4th Circuit
U.S. Court of Appeals, 7th Circuit
U.S. District Court, D. Colorado
U.S. District Court, N.D. New York

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America
Commercial Litigation, 2013-2021
Personal Injury Litigation, 2013-2021

EDWARD C. STEWART

Product Liability Litigation, 2013-2021
The Legal 500 United States
Litigation: Product Liability and Mass Tort Defense, 2011-2013, 2015
Colorado Super Lawyers
Personal Injury Defense, 2013-2020
Top 100, 2013-2016, 2018-2019
Civil Litigation Defense, 2010-2012
Benchmark Litigation
Local Litigation Star, 2020
Product Liability - Colorado, 2014-2017
5280 Magazine
Top Lawyer
Personal Injury: Defense, 2016-2017
Euromoney's Expert Guides - Litigation and Product Liability
Martindale-Hubbell AV® Peer Review Rated
International Who's Who of Product Liability Defense Lawyers, 2016-2017
Colorado Bar Association
Illinois State Bar Association
State Bar of Wisconsin
Defense Research Institute
The Tenth Judicial Circuit Historical Society
Federation of Defense and Corporate Counsel
Co-Chair Trial Masters Program

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Colorado Children's Chorale
Board of Trustees

ARTICLES & PRESENTATIONS

- "Ethics, Social Media, and You," presented to the Association for Corporate Counsel, Colorado Chapter (December 4, 2013).
- "U.S. Bankruptcy Court," presented the Faculty of Federal Advocates' 2013 Trial Advocacy Workshop (September 20, 2013).
- "Take This and Google That - The Ethics of Social Media," presented to members of the Federation of Defense & Corporate Counsel (July 24, 2013).
- "Tick Tock: The Case on the Clock," presented at the Federation of Defense & Corporate Counsel 2013 Winter Meeting, San Antonio, Texas (March 2013).
- "Frequently Litigated Contract Provisions: Writing Contracts With Litigation In Mind," presented at a CLE seminar hosted by WTO (July 19, 2012).
- "Nightmare Clients: How to Deal with Impossible Clients, Witnesses and Opposing Counsel in Litigation," presented at the National Institute's CLE-accredited seminar (June 17, 2011).

EDWARD C. STEWART

- "Technology in the Courtroom," presented for the National Business Institute's Trial Masters Program (June 2011).
- "Materials for Courtroom Presentation: Tools and Techniques," presented to the Colorado Bar Association (June 2011).
- "Litigating Claims Involving Component Part Suppliers: A Manufacturer's Perspective" presented at the American Conference Institute's Annual Forum on Defending and Managing Automotive Product Liability Litigation (November 2009).
- "A Modest Proposal: 'Embrace the Enemy' to Make the Most of Third Parties' Spoliation of Evidence," presented at ABA Seminar: Emerging Issues in Automotive Product Liability Litigation (March 21, 2002).

PERSONAL INTERESTS

Skiing, travel, and wine collecting