



ANDREW M. UNTHANK

Partner & Recruiting Chair

unthank@wtotrial.com | P 303.244.1897 | F 303.244.1879

Drew Unthank represents leading companies in consumer class action, complex commercial, and product liability litigation across the United States. He is a go-to attorney for companies facing claims under state and federal consumer protection statutes. Drew is Martindale Hubbell AV peer-review rated, and Colorado Super Lawyers has named him a Rising Star for Class Actions/Mass Torts.

EDUCATION

University of Denver Sturm
College of Law, J.D., 2005
Order of St. Ives, Scholastic
Excellence Award, Moot Court
Appellate Team

Northern Arizona University,
B.S.B.A., 2001, Marketing
Gamma Beta Phi, Mortar Board
National Honor Society

GOVERNMENT SERVICE

Judicial Law Clerk to The
Honorable Nathan B. Coats,
Colorado Supreme Court
Intern to the Honorable John N.
McMullen, Denver District Court

ADMISSIONS

Colorado

HIGHLIGHTS

- Representing a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.
- Representing a major telecommunications company in an MDL involving 18 underlying consumer, securities, and derivative class actions that challenge the company's marketing and sales practices.
- Represented medical device manufacturer in wrongful death and personal injury claims brought by the survivors and estates of a triple-fatality apartment fire, and negotiated nuisance-value settlement following deposition of Plaintiffs' fire cause and origin expert.
- Retained by a Fortune 100 petroleum refiner and marketer to join the trial team defending a commercial dispute involving \$75 million in alleged damages for breach of a transportation and fractionation contract. Negotiated favorable resolution on eve of trial.
- Defeated class certification amid allegations that 2,000,000 Whirlpool-made ovens were prone to overheat.
- Served as the first-chair litigator for a Fortune 100 company against a former dealer and obtained an arbitration award including the full principal amount claimed plus attorneys' fees and costs.
- Developed a successful legal challenge to class action claims brought against a nursing home chain under the Colorado Consumer Protection Act.

INDUSTRIES

- Consumer Products & Services
- Telecommunications
- Healthcare
- Oil & Gas
- Energy
- Construction & Engineering

PRACTICE AREAS

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

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BIOGRAPHY

Drew Unthank represents major companies in consumer class action, complex commercial, and product liability litigation. He regularly leads teams in novel and complex matters, including the current defense of a unique mass arbitration involving creative strategies and defense tactics.

Drew's passion for helping his clients tell their stories in court is the fuel that drives his practice, leading to lasting, collaborative client relationships. He has represented several long-time clients, including Fortune 100 and 500 companies, and served as lead defense counsel in over 10 consumer class actions across the country by the age of 40.

Alongside his legal practice, Drew serves as Chair of the firm's Recruiting Committee and is heavily involved in diversity efforts. Drew helped introduce new behavior-based recruiting and interviewing methods to help the firm identify and hire exceptional attorneys poised to grow with WTO.

Drew was named a 40 & Under National Star in 2019, is Martindale Hubbell AV peer-review rated, and Colorado Super Lawyers has named him a Rising Star for Class Actions/Mass Torts.

CASES

- Representing a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.
- Representing a major telecommunications company in an MDL involving 18 underlying consumer, securities, and derivative class actions that challenge the company's marketing and sales practices.
- Represented medical device manufacturer in wrongful death and personal injury claims brought by the survivors and estates of a triple-fatality apartment fire, and negotiated nuisance-value settlement following deposition of Plaintiffs' fire cause and origin expert.
- Retained by a Fortune 100 petroleum refiner and marketer to join the trial team defending a commercial dispute involving \$75 million in alleged damages for breach of a transportation and fractionation contract. Negotiated favorable resolution on eve of trial.
- *Kljajic et al. v. Whirlpool* (N.D. Ill. 2017) - Defeated class certification amid allegations that 2,000,000 Whirlpool-made ovens were prone to overheat. WTO attorneys disqualified the plaintiffs' expert witness and successfully argued that the claims were overly broad and the plaintiffs' purported theories for failure were too many to achieve certification.
- Served as the first-chair litigator for a Fortune 100 company against a former dealer and obtained an arbitration award including the full principal amount claimed plus attorneys' fees and costs.

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- *Hise, et al. v. SSC Submaster Holdings* (D. Colo. 2012) - Developed a successful legal challenge to class action claims brought under the Colorado Consumer Protection Act against a national nursing home chain and its affiliated companies and obtained a complete dismissal of all consumer protection claims brought by the proposed class.
- *Colorado Coffee Bean v. Peaberry Coffee* - Defended a franchisor against fraud claims made by franchisees, who sought tens of millions of dollars in actual and punitive damages. After a five-week trial, WTO won judgment for our client. The Court awarded \$2 million in attorneys' fees against the franchisees.

REPRESENTATIVE CLIENTS

CenturyLink
United States Olympic Committee
USAA
Whirlpool - National Trial Counsel

BAR & COURT ADMISSIONS

Colorado
U.S. District Court, D. Colorado
U.S. District Court, E.D. Michigan

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Martindale-Hubbell AV® Peer Review Rated

The Best Lawyers in America

Mass Tort Litigation/Class Actions - Defendants, 2021

Benchmark Litigation

40 & Under National Star, 2019

40 & Under Hotlist, 2018

Colorado Rising Stars

Class Actions/Mass Torts, 2014-2019

Business Litigation, 2011-2013

Law Week Colorado's Up-and-Coming Lawyers

Selected, 2008

Finalist, 2010

Colorado Civil Justice League

Member of the Legal Advisory Board

Legal Aid Foundation

Associates' Campaign Fundraising Chair 2011-2012 (set fundraising record both years)

Denver Bar Association

Colorado Bar Association

American Bar Association

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COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Open Media Foundation
Board of Directors
Development Committee

ARTICLES & PRESENTATIONS

- "Make it Your Exhibit A, not Theirs: Documentation Strategies for Success at Trial," moderator at the 2020 DRI Products Liability Conference (February 2020).
- "All About Inclusion: A Conversation With Hiring Managers in Private Practice and Corporate In-House Departments," panelist at the 2019 CLI Legal Inclusiveness & Diversity Summit (August 2019).
- "Lessons Learned on the Road From Small Claim to Product Recall," presented to in-house and outside counsel at Whirlpool's 2015 National Counsel Summit (October 2015).
- "2013-2014 E-Discovery Case Law Update," presented at the COALSP 8th Annual E-Discovery Summit (October 2014).
- "Marketing Class Action Update," presented to in-house counsel and business stakeholders at Whirlpool's Global Headquarters (August 2014).
- "2012-2013 E-Discovery Case Law Update," presented at the COALSP 7th Annual E-Discovery Summit (October 2013).
- "Green Building in Colorado: Know the Risks!" presented at Wheeler Trigg O'Donnell (November 2009).
- "An Architect's Guide to Understanding Modern Copyright Protection for Architectural Works," *Preventive Law Reporter*, University of Denver Sturm College of Law, Vol. 22, No. 3 (2004).

PERSONAL INTERESTS

Mountain biking, backpacking, travel, live music