



KENNETH E. STALZER

Partner

stalzer@wtotrial.com | P 303.244.1921 | F 303.244.1879

Kenneth Stalzer represents sophisticated clients in complex commercial, product liability, and class action litigation nationwide. Ken has successfully represented clients in state and federal litigation including trials, mediations, and arbitrations, as well as appeals.

EDUCATION

University of Chicago Law School, J.D., 2007

Stanford University, Ph.D., 2005, Philosophy, M.A., 2001, Philosophy

University of Notre Dame, B.A., 1999, Philosophy, *magna cum laude*

OTHER EXPERIENCE

Schiff Hardin LLP, Chicago

ADMISSIONS

Colorado
Illinois

HIGHLIGHTS

- Defeated class certification for Electrolux involving millions of dishwashers.
- Won a published opinion from the Colorado Court of Appeals dismissing, on the merits, an appeal of WTO's trial victory and addressing for the first time in Colorado the circumstances in which shareholders of a judicially dissolved corporation with an appointed receiver may appeal the dissolution in the corporation's name.
- Defeated a preliminary injunction sought by a former executive seeking to launch a competing business and take nearly \$200 million in investments with him.
- Won a bench trial ruling for minority shareholders in a shareholder and director dispute.
- Representing Electrolux in nationwide consumer class action litigation.
- Won a complete defense verdict for Armstrong Steel in a federal trial in Colorado.
- Represented a real estate developer in a business tort case in which family members alleged they were entitled to a profit share of development.

INDUSTRIES

- Consumer Products & Services
- Financial Services
- Construction & Engineering
- Real Estate
- Oil & Gas
- Insurance
- Medical Devices & Pharmaceuticals

PRACTICE AREAS

- Class Actions
- Commercial Litigation
- Product Liability
- Antitrust & Competition
- Mass Torts

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BIOGRAPHY

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CASES

- *Elward et al. v. Electrolux Home Products, Inc.* (N.D. Ill. 2020) - Defeated class certification for Electrolux in a consolidated putative class action in Illinois involving millions of the company's dishwashers.
- *Francis v. Camel Point Ranch*, 2019COA108 - Won a published opinion from the Colorado Court of Appeals dismissing, on the merits, an appeal of WTO's trial victory and addressing for the first time in Colorado the circumstances in which shareholders of a judicially dissolved corporation with an appointed receiver may appeal the dissolution in the corporation's name.
- Defeated a preliminary injunction brought by a former investment executive who sued to nullify a noncompete and launch a competing firm by taking 50 clients representing \$200 million in investments. Collaborating with another law firm, WTO showed in a two-day, federal court hearing that the former executive did not meet the requirements for injunctive relief. The Court agreed and denied the motion.
- *Francis et al. v. Camel Point Ranch* (Mesa Cty. Dist. Ct. 2017) - Won a four-day bench trial and obtained a dissolution decree and judgment against a closely held Colorado corporation. The win prohibited majority shareholders from illegitimately interfering with minority shareholders' share and property rights. It also blocked attempts to divest one of WTO's clients at below one-sixth of the actual value of his shares.
- Represents Electrolux in pattern and class action litigation nationwide and develops expert witnesses, strategies to defeat class certification, and central litigation themes.
- *General Steel v. Armstrong Steel* (D. Colo. 2016) - Won a jury verdict for Armstrong Steel against claims of false advertising and defamation in a two-week trial in federal court in Colorado. A competitor of Armstrong sought millions of dollars.
- Represented a real estate developer in a business tort case in which family members alleged they were entitled to a profit share of development.
- Represented an OCIP insurer and professional engineering design firm in construction defect matters.
- Represented a real estate company in a business tort cases alleging fraudulent appraisals and false claims act claims.
- Represents major insurance companies in bad faith cases, achieving favorable results through dispositive motions and mediation.
- Manages mass tort and multidistrict litigation for McKesson involving injury and wrongful death claims against Zolof and Effexor.

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- 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.
- Defended a global financial broker in cases alleging fraud, breach of fiduciary duty, and statutory violations for conduct relating to the sale of options.
- Represented a Chicago law firm in a legal malpractice case involving an underlying accounting malpractice case brought against a major accounting firm.
- Represented the former owners of a software company against stockholders alleging state and federal securities fraud.
- Represented individuals and limited liability corporations in cases involving allegations of mismanagement of funds, fraud, and breach of fiduciary duty.
- Represented the FDIC in a complex tax and breach of contract dispute and two-week arbitration involving intricate accounting issues.
- Represented NBCUniversal and Universal Studios in a negligence and breach of contract action brought by Universal Music Group following a 2008 fire at Universal Studios. The dispute involved nuanced, complex issues including insurance subrogation and collateral source rule questions.
- Represented BASF Corp. in several diacetyl product liability cases.

REPRESENTATIVE CLIENTS

Electrolux
First American Title Insurance Company
McKesson
Tessler Developments
The Hartford

BAR & COURT ADMISSIONS

Colorado
Illinois
U.S. Court of Appeals, 10th Circuit
U.S. District Court, C.D. California
U.S. District Court, D. Colorado
U.S. District Court, E.D. Arkansas
U.S. District Court, E.D. California
U.S. District Court, E.D. Louisiana
U.S. District Court, E.D. Michigan
U.S. District Court, E.D. New York
U.S. District Court, E.D. Virginia
U.S. District Court, N.D. Illinois
U.S. District Court, S.D. Indiana

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U.S. District Court, S.D. Ohio
U.S. District Court, W.D. Washington

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Colorado Rising Stars

Civil Litigation Defense, 2013-2017

American Bar Association

Colorado Bar Association

Defense Research Institute

PERSONAL INTERESTS

Downhill skiing, Notre Dame football, and reading about science, economics, and society