



MICHELE ON-JA CHOE

Partner, Diversity & Inclusion Chair

choe@wtotrial.com | P 303.244.1926 | F 303.244.1879

Michele On-Ja Choe defends hospitals and healthcare providers, medical device and drug manufacturers, and other sophisticated clients in lawsuits involving complex claims. She has particular experience handling employment, product liability, and professional liability claims in the healthcare space. *Colorado Super Lawyers* lists Michele for Employment Litigation Defense.

EDUCATION

University of Iowa College of Law, J.D., 2003, with distinction
Iowa Law Review, Articles Editor

University of Iowa, M.A., 2000,
Communication Studies

California State University, Fullerton, B.A., 1998, Speech Communications

GOVERNMENT SERVICE

Law Clerk to The Honorable Donald P. Lay, United States Court of Appeals for the Eighth Circuit

OTHER EXPERIENCE

Sidley Austin LLP

ADMISSIONS

California
Colorado
Illinois

HIGHLIGHTS

- Won complete victory for Hillsdale College in a closely watched dispute against the University of Missouri over the misuse of a deceased alumnus's \$5 million donation.
- Obtained dismissal of all claims against University of Colorado Hospital Authority in a whistleblower case filed in district court in Colorado Springs.
- Won an extraordinary pretrial motion in a whistleblower case to preclude the plaintiff from seeking recovery for any future damages.
- Won a defense jury verdict in a \$31 million medical malpractice lawsuit in Illinois involving a newborn who developed sepsis, meningitis, and catastrophic brain damage. WTO then won the subsequent appeal.
- Led the defense of an investment management company sued for unjust enrichment by an individual who claimed he conferred a material benefit upon the company but was never compensated.
- Representing an excess carrier whose insureds are involved in nationwide sports-related concussion litigation.
- Monitoring nationwide opioid litigation for an excess carrier, including numerous fraud and consumer protection claims.

INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Consumer Products & Services

PRACTICE AREAS

- Employment
- Commercial Litigation
- Healthcare Professional Liability
- Personal Injury Defense
- Product Liability

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BIOGRAPHY

Michele On-Ja Choe defends hospitals and healthcare providers, medical device and drug manufacturers, and other sophisticated clients in lawsuits involving complex claims. She has particular experience handling employment, product liability, and professional liability claims in the healthcare space. *Colorado Super Lawyers* lists Michele for Employment Litigation Defense.

Michele's clients include pharmaceutical and medical device companies, healthcare and long-term care providers and their affiliates, and employers across a range of industries. Michele's employment litigation includes a broad range of litigation matters such as the defense of wrongful termination claims, discrimination claims including those brought by the Equal Employment Opportunity Commission, and noncompete and trade secret matters.

Michele has tried cases in federal and state courts throughout the country and has handled multidistrict, pattern, and class action litigation. She has particular expertise in defending Rule 30(b)(6) corporate representative depositions and designing global defense strategies involving experts from multiple disciplines. Michele regularly handles *Daubert* and *Frye* briefing strategies and dispositive motions. Michele has also delivered winning appellate oral arguments in various settings, including a successful appeal before the U.S. Court of Appeals for the Seventh Circuit (3-0 decision) and the Illinois Court of Appeals (3-0 decision). Finally, Michele possesses e-discovery expertise, having managed multimillion-document productions and privilege reviews including productions to the U.S. Department of Justice and various attorneys general.

In addition to her usual practice, Michele conducts pre- and post-market investigations for pharmaceutical clients and general pre-suit investigations to minimize the possibility of liability exposure and adverse outcomes.

Prior to joining WTO, Michele clerked for the Honorable Donald P. Lay, U.S. Court of Appeals for the Eighth Circuit, 2004-2005.

CASES

Employment

- Obtained dismissal of all claims against University of Colorado Hospital Authority in a whistleblower case filed in district court in Colorado Springs.
- Won an extraordinary pretrial motion in a whistleblower case to preclude the plaintiff from seeking recovery for any future damages.
- Successfully defended a healthcare system and its affiliate against joint employment claims, and secured a favorable settlement.
- Represented an investment company in litigation against a former executive officer who alleged, *inter alia*, breach of contract and violations of the Colorado Wage Claim Act.

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- Prevailed against allegations of racial discrimination against a tech industry employer in Nevada. Following a two-and-a-half-year investigation, the Equal Employment Opportunity Commission concluded that no discriminatory conduct had occurred.
- Represented a leading telecommunications company as a third-party respondent in discovery relating to a lawsuit involving claims that an executive violated the terms of a noncompete agreement and misappropriated proprietary information from his prior employer. The case eventually settled, absolving WTO's client of its role in the litigation.
- Represented a security company against claims that two of its employees violated a former employer's noncompete agreement and misappropriated proprietary information from that prior employer.
- Represented a large resort chain against claims of disability discrimination. Following an extensive investigation by the Colorado Civil Rights Division ("CCRD") including briefs and evidence provided by WTO, the CCRD concluded that no unlawful discrimination had occurred.
- Advised a client on the defense of a unique theory of liability brought by the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act.

Commercial Litigation

- Won complete victory for Hillsdale College in a closely watched dispute against the University of Missouri over the misuse of a deceased alumnus's \$5 million donation.
- Led the defense of an investment management company sued for unjust enrichment by an individual who claimed he conferred a material benefit upon the company but was never compensated.
- Representing an excess carrier whose insureds are involved in nationwide sports-related concussion litigation alleging fraudulent concealment of the risks of concussion or sub-concussive hits and unjust enrichment claims against individual sports conferences and colleges/universities.
- Monitoring nationwide opioid litigation for an excess carrier, including statutory and common law fraud claims; deceptive trade practices claims; claims of telecommunications, mail, and wire fraud; intentional concealment of material facts such as risks of addiction; and unjust enrichment claims.
- Led the defense of a national healthcare client sued for engaging in purportedly fraudulent conduct in marketing to patients.

Medical Malpractice

- Won a defense jury verdict in a \$31 million medical malpractice lawsuit in Illinois involving a newborn who developed sepsis, meningitis, and catastrophic brain damage. WTO then won the subsequent appeal (3-0 panel decision).

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- Won a defense verdict for a Florida hospital in a three-week medical malpractice trial. The case involved a baby who suffered cerebral palsy after a rare delivery complication. The plaintiff sued the hospital for \$7 million, claiming complications could have been avoided had a C-section been performed. The WTO team successfully argued the complication was unpredictable and unpreventable, and the doctors actually saved the mother and child.

Medical Devices & Pharmaceuticals

- Represented a device manufacturer in multiple cases in pelvic mesh MDL, including two that settled favorably.
- Represented a product manufacturer in claims relating to its healthcare product Omniscan, an imaging agent alleged to cause nephrogenic systemic fibrosis, a chronic debilitating disease, in some patients.
- Represented pharmaceutical manufacturers in multidistrict litigations involving Baycol, Seroquel, and various diet drugs.
- Represented a medical device manufacturer in litigation involving cold therapy devices.
- Represent one of the nation's largest providers of home respiratory therapy and devices in prelitigation evaluation involving ventilators and litigation involving home oxygen equipment.

Other Relevant Experience

- Won a defense decision for a Philadelphia psychiatric hospital in a two-day medical malpractice arbitration involving the death of a patient killed in an auto accident hours after being discharged.

BAR & COURT ADMISSIONS

California

Colorado

Illinois

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 8th Circuit

U.S. District Court, C.D. California

U.S. District Court, E.D. California

U.S. District Court, N.D. California

U.S. District Court, N.D. Illinois (General Bar)

U.S. District Court, S.D. California

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Top Women Lawyers, Law Week Colorado 2020

General Counsel Mentorship Program, 2020

Colorado Super Lawyers

Employment Litigation Defense, 2019-2020

Colorado Defense Lawyers Association

MICHELE ON-JA CHOE

Board Member, 2018-2023
Treasurer, 2019-2020
Secretary, 2018-2019
Chair, Professional Liability Committee, 2017-2018
Vice-Chair, Professional Liability Committee, 2016-2017
American Bar Association
Tort Trial & Insurance Practice Section Leadership Academy,
"The Brief" Editorial Board, 2015-2018
"Tort Source" Editorial Board, 2013-2018
Leadership Academy, 2012-2013
Colorado Rising Stars
Personal Injury Defense: Products, 2013-2015
Defense Research Institute
Young Lawyer Co-Liaison to the Drug and Medical Device Committee,
2011-2012

ARTICLES & PRESENTATIONS

Articles

- Co-authored "An Introduction to Predictive Coding," *TortSource* (Spring 2017).

Presentations

- "Power Plays in the Legal Profession," presented at the CDLA Annual Conference General Session (July 28, 2018).
- 10th Circuit Panelist in "Short Circuits: Brief Updates on Noteworthy Issues from the 12 Federal Circuits and their States," presented at the Trial Attorneys of America annual meeting (May 11, 2018).
- "Conducting an Early Case Assessment: How to Evaluate Liability Risk Exposure Before Litigation Begins," presented at Defense Research Institute Young Lawyer's Breakout Session (May 2009).
- "Preserving Attorney-Client Communications Involving PR Professionals," American Bar Association Section of Litigation: Second Chair (July 2008).