



ERIC L. ROBERTSON

Partner

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Eric Robertson's legal practice focuses on complex commercial litigation at both the trial and appellate levels. Before joining Wheeler Trigg O'Donnell in 2014, he served as a law clerk to Justice William W. Hood, III and Chief Justice Michael L. Bender of the Colorado Supreme Court and Chief Judge Alan M. Loeb of the Colorado Court of Appeals.

EDUCATION

University of Colorado Law School, J.D., 2011
Order of the Coif
University of Colorado Law Review, Casenote and Comment Editor

Boston University, B.S., 2004,
Film and Television, *summa cum laude*

GOVERNMENT SERVICE

Law Clerk to The Honorable William W. Hood, III, Colorado Supreme Court
Law Clerk to The Honorable Michael L. Bender, Colorado Supreme Court
Law Clerk to The Honorable Alan M. Loeb, Colorado Court of Appeals

OTHER EXPERIENCE

Caplan and Earnest, LLC
Law Clerk
Altitude Sports & Entertainment
Chyron Operator

ADMISSIONS

Colorado

HIGHLIGHTS

- Authored amicus brief on a question certified from the Second Circuit urging New York's highest court not to adopt cross-jurisdictional class action tolling.
- Won summary judgment against certified, seven-state class action alleging false labeling and breach of warranty.
- Achieved a highly favorable settlement for an incarcerated *pro bono* client who had sued the Colorado Department of Corrections in federal court for First Amendment retaliation.
- Authored Rule 23(f) petition for interlocutory review from order partially granting class certification.
- Won an arbitration award for \$2.9 million, including punitive damages, for an investment fund in a dispute involving the acquisition of an oil field services company.
- Authored petition for permission to appeal under 28 U.S.C. § 1292(b) concerning two important and unsettled questions of class action tolling.
- Drafted a winning motion to dismiss in consumer class action litigation for Whirlpool resulting in exclusion of claims and plaintiffs in 42 states.

INDUSTRIES

- Consumer Products & Services

PRACTICE AREAS

- Appellate
- Class Actions
- Commercial Litigation

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BIOGRAPHY

Eric Robertson represents product manufacturers and business clients in high-stakes and technical litigation. He focuses his practice on class actions, complex commercial, and appellate litigation, with a particular emphasis on matters involving alleged misrepresentation.

In addition to his trial experience, Eric regularly leads strategy in complex written arguments. He also leads an active pro bono practice, regularly representing indigent clients in federal court in Colorado.

Prior joining Wheeler Trigg O'Donnell in 2014, Eric served as a law clerk to Justice William W. Hood, III and Chief Justice Michael L. Bender of the Colorado Supreme Court and Chief Judge Alan M. Loeb of the Colorado Court of Appeals.

CASES

- *Dzielak v. Whirlpool* (D.N.J. 2019) - Won summary judgment against a certified, seven-state class action alleging false labeling and breach of warranty.
- *Chavez v. Occidental Chemical Corp.* (N.Y. Ct. App. 2020) - Authored amicus brief on a question certified from the Second Circuit urging New York's highest court not to adopt cross-jurisdictional class action tolling.
- Achieved a highly favorable settlement for an incarcerated *pro bono* client who had sued the Colorado Department of Corrections in federal court for First Amendment retaliation.
- *Whirlpool Corp. v. Dzielak* (3rd Cir. 2018) - Authored Rule 23(f) petition for interlocutory review from order partially granting class certification.
- Won an arbitration ruling for \$2.9 million, including punitive damages, for an investment fund misled into overpaying for an oil field services company based on misrepresentations made during the sale and omissions made during settlement negotiations regarding the sale.
- *Famular v. Whirlpool Corp.* (2nd Cir. 2017) - Authored petition for permission to appeal under 28 U.S.C. § 1292(b) concerning two important and unsettled questions of class action tolling.
- Drafted a winning motion to dismiss in consumer class action litigation for Whirlpool resulting in exclusion of claims and plaintiffs in 42 states.
- *Travelers v. Stresscon*, 370 P.3d 140 (Colo. 2016) - Won Colorado Supreme Court reversal of a unanimous court of appeals ruling in a case of national importance to the insurance industry. In its ruling for Travelers, the Court held that the "notice-prejudice rule" does not apply to "no-voluntary-payment" provisions in insurance policies. This was WTO's fifth consecutive, fully-argued victory before the Colorado Supreme Court in two-and-a-half years. Law360 named *Stresscon* one of the top five insurance rulings of 2016.
- *Dei Rossi v. Whirlpool Corp.* (9th Cir. 2015) - Authored Rule 23(f) petition for interlocutory review following order partially granting class certification.

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BAR & COURT ADMISSIONS

Colorado
U.S. District Court, D. Colorado
U.S. District Court, E.D. Michigan
U.S. District Court, E.D. North Carolina
U.S. District Court, W.D. Michigan
U.S. District Court, W.D. Washington
U.S. Court of Appeals, 10th Circuit
U.S. Court of Appeals, 2nd Circuit
U.S. Court of Appeals, 3rd Circuit
Colorado Supreme Court

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Colorado Rising Stars
Business Litigation, 2019-2020
Colorado Bar Association

ARTICLES & PRESENTATIONS

- "Damages Models in Consumer Class Actions" Presented at the Opposing Class Certification Webinar by Strafford Publications (August 8, 2019)
- "A Fundamental Right to Read: Reader Privacy Protections in the U.S. Constitution," 82 U. Colo. L. Rev. 307 (2011).