



KAYLA L. SCROGGINS-UPTIGROVE

Associate

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Kayla Scroggins-Uptigrove represents sophisticated clients in complex commercial disputes, with an emphasis on defense of insurance bad faith claims at the trial and appellate levels. She has appeared in trial and gained significant experience examining expert and fact witnesses, including cross examination of a party-opponent. Kayla has also drafted winning motions in high-stakes cases, argued extensive motions hearings, and taken key depositions resulting in “walk away” settlements.

EDUCATION

University of Denver Sturm
College of Law, J.D., 2015, Order
of St. Ives, Moot Court Board
Member, Order of the Coif

University of Colorado, B.A.,
Mathematics, 2012

GOVERNMENT SERVICE

Judicial Fellow to The Honorable
J. Eric Elliff, Denver
District Court

Law Clerk in the Twentieth
Judicial District Attorney’s
Office in Boulder, Colorado

Law Clerk in the United States
Attorney’s Office for the
District of Colorado

ADMISSIONS

Colorado

HIGHLIGHTS

- Defeated plaintiffs' attempts to centralize nationwide COVID-19 insurance litigation.
- Won summary judgment for Travelers in Colorado District Court in an insurance coverage case.
- Won a defense jury verdict for an insurance company against a policyholder who failed to comply with the statute of limitations.
- Won a groundbreaking ruling from the Colorado Supreme Court requiring insurance appraisers to be fully unbiased and impartial.
- Won a complete jury verdict for an insurance carrier in a bellwether bad faith trial involving *Nunn* agreements.
- Won a complete defense verdict for Pepsi Bottling Group in a traumatic brain injury trial.
- Secured a "walk away" dismissal of a multimillion-dollar uninsured motorist insurance lawsuit for bad faith. Only days after filing the defendant's motion for summary judgment, the plaintiff agreed to drop the lawsuit, and the client paid nothing.

INDUSTRIES

- Insurance

PRACTICE AREAS

- Commercial Litigation
- Personal Injury Defense
- Appellate
- Class Actions
- COVID-19

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BIOGRAPHY

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Kayla earned her law degree from the University of Denver Sturm College of Law, Order of the Coif and Order of St. Ives. She earned the Scholastic Excellence Award in Trial Practice: Voir Dire and was a recipient of the Provost’s Scholarship.

During law school, Kayla served as a law clerk in the 20th Judicial District Attorney’s Office in Boulder, Colorado, during which time she first-chaired one jury trial and one bench trial, and second-chaired three jury trials. Kayla also successfully argued numerous motions in various hearings.

CASES

- Won a significant victory before the U.S. Judicial Panel on Multidistrict Litigation for an insurance company facing an attempt to centralize all federal COVID-19 business-interruption insurance cases.
- *CTI Communications.com, LLC v. Travelers Casualty Insurance Co. of America*, 2020 WL 3469701 (D. Colo. 2020) - Won summary judgment for Travelers in Colorado District Court. The court ruled that the client owed no duty to defend an underlying copyright infringement lawsuit as a matter of law.
- Won a defense verdict for an insurance company in Denver County District Court against a policyholder who had sued for uninsured motorist benefits. The jury found in less than half an hour that the plaintiff had failed to cooperate or comply with the statute of limitations.
- *Owners Ins. Co. v. Dakota Station II Condo. Ass’n, Inc.*, 443 P.3d 47 (Colo. 2019) - Won a groundbreaking ruling from the Colorado Supreme Court requiring insurance appraisers to be fully unbiased and impartial.
- Won a jury verdict in a bad faith action in Broomfield County District Court, Colorado, for a Fortune 50 insurer in a bellwether trial involving a *Nunn* agreement and a judgment over 30 times the insurer’s policy limit. The jury found in favor of the client in approximately two hours.
- *Howard v. Bottling Group* (Colo. Douglas Cnty. Dist. Ct. 2015) - Won a defense verdict for Pepsi Bottling Group in a six-day jury trial. The plaintiff claimed a traumatic brain injury as a result of being struck with falling merchandise from a retail display and demanded \$750,000 in damages. WTO’s client was one of two defendants in the litigation, and the jury assigned no fault to our client.

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- *Phoenix v. Heska*, 2017 WL 3190380 (D. Colo. 2017) - Won the first ever summary judgment order within the Tenth Circuit enforcing the client's Telephone Consumer Protection Act exclusions. The court ruled that the client owed no duty to defend an underlying class action as a matter of law.
- *Alabassi v. Columbia Insurance Company*, No. 17-cv-00752 (D. Colo. 2018) - Secured a "walk away" dismissal of a multimillion-dollar uninsured motorist insurance lawsuit for bad faith. Only days after filing the defendant's motion for summary judgment, the plaintiff agreed to drop the lawsuit, and the client paid nothing.
- *Ledonne v. McClure* (D. Colo. 2016) - Obtained a \$100,000 settlement payment and lifting of a campus ban in a pro bono case for a defamed university professor. WTO attorneys demonstrated that the ban was unconstitutional and that the university violated the professor's rights and defamed him.
- Defended a national insurance company against allegations of bad faith during its handling of a workers compensation claim. Following depositions of the plaintiff's treating physicians, the plaintiff agreed to a "walk away" settlement of all bad faith claims.

BAR & COURT ADMISSIONS

Colorado

U.S. District Court, D. Colorado

U.S. Court of Appeals, 10th Circuit

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America

Ones to Watch - Commercial Litigation, 2021

Colorado Rising Stars

Insurance Coverage, 2020

ARTICLES & PRESENTATIONS

Articles

- "Just Win, Baby: The Tenth Circuit Rejects the "Anything Goes" Tactics of the Hail-Litigation Gold Rush," 96 DENV. L. REV. 267 (2019).

Presentations

- "Insurer Prejudice and Consent to Settle post-*Stresscon*," presented at the Colorado Bar Association's Hot Topics in Commercial General Liability Insurance Coverage (October 27, 2016).

PERSONAL INTERESTS

Fantasy football, snowboarding and golf.