



DEAN S. NEUWIRTH

Of Counsel

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Dean Neuwirth handles complex appeals for companies and individuals. He has won a dozen published opinions, including from the Tenth Circuit and the Colorado Supreme Court. For eight years, Dean collaborated with former Colorado Supreme Court Justice Jean Dubofsky on nearly 30 appeals, several of which were high-stakes or highly-visible matters. Dean is consistently listed in The Best Lawyers in America and Colorado Super Lawyers. Best Lawyers named him the 2016 Colorado Appellate Lawyer of the Year.

EDUCATION

Harvard Law School, J.D., 1986, *magna cum laude*

Princeton University, B.A., 1982, *summa cum laude*, Phi Beta Kappa

GOVERNMENT SERVICE

Law Clerk to The Honorable John L. Kane, Jr., U.S. District Court for the District of Colorado

OTHER EXPERIENCE

Dean Neuwirth P.C.
Jacobs Chase Frick Kleinkopf & Kelley
Arnold & Porter

ADMISSIONS

Colorado

HIGHLIGHTS

- Defeated class certification for Electrolux involving millions of dishwashers.
- 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 Colorado Supreme Court reversal of a published Colorado Court of Appeals decision denying a client's ability to reopen settlement.
- Changed Colorado law, in favor of client and those similarly situated, regarding the compensability of injuries sustained from workplace falls.
- Won affirmance of judgment for an FAA contractor against an opposing party seeking \$8 million in damages arising from an airplane crash allegedly caused by the contractor.
- Developed a legal argument the Colorado Supreme Court adopted in its opinion in client's favor.
- Won reversal and remand of a \$33.5 million judgment against a corporate client.

INDUSTRIES

- Consumer Products & Services
- Construction & Engineering
- Professional Services

PRACTICE AREAS

- Appellate
- Commercial Litigation
- Class Actions
- Intellectual Property
- Antitrust & Competition
- Environmental Litigation

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BIOGRAPHY

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In handling appeals, Dean focuses on his client's goals, the trial record, and existing law to determine not only how best to win the appeal, but also how to use the appellate process to try to preserve good law for his clients or change unfavorable law.

For eight years, Dean collaborated with former Colorado Supreme Court Justice Jean Dubofsky on appeals, including several high-stakes and high-visibility matters. During their time together, the two handled nearly 30 appeals.

For many years, The Best Lawyers in America and Colorado Super Lawyers have both recognized Dean for his appellate work.

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.
- 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.
- *England v. Amerigas Propane*, 395 P.3d 766 (Colo. 2017) - Obtained Colorado Supreme Court reversal of published Colorado Court of Appeals decision denying a client's ability to reopen settlement based on the parties' mutual mistake at time of settlement.
- *City of Brighton v. Rodriguez*, 318 P.3d 496 (Colo. 2014) - Changed Colorado law, in favor of client and those similarly situated, regarding the compensability of injuries sustained from workplace falls.
- *Harris v. Serco Management Services, Inc.*, No. 10CA2084 (Colo. App. 2012) - Won affirmance of judgment for an FAA contractor against an opposing party seeking \$8 million in damages arising from an airplane crash allegedly caused by the contractor.
- *Amos v. Aspen Alps 123, LLC*, 280 P.3d 1256 (Colo. 2012) - Served as appellate consultant for a corporate entity and formulated a legal argument the Colorado Supreme Court adopted in its opinion in client's favor.
- *Core-Mark Midcontinent, Inc. v. Sonitrol Corporation*, 300 P.3d 963 (Colo. App. 2012) - Developed winning argument for, and drafted, appellate brief resulting in reversal and remand of a \$33.5 million judgment against a corporate client.

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- *Advantek Pro, Inc. et al. v. ADT Security Services, Inc.*, No. 10CA0707 (Colo. App. 2011) - Materially participated in preparation of answer brief resulting in affirmance of dismissal of hundreds of millions of dollars in damages alleged against a corporate client.
- *D.R. Horton, Inc. v. Bischof & Coffman Construction*, 217 P.3d 1262 (Colo. App. 2009) - Won affirmance of trial court order which dismissed, as a discovery sanction, the entirety of a residential developer's \$30 million complaint against a client group of 20 subcontractors.
- *D.R. Horton, Inc. v. AAA Waterproofing, Inc. et al.*, 06CA1874 (Colo. App. 2008) - Won affirmance of judgment in favor of a large group of subcontractors against a residential developer's multimillion-dollar claims.
- *People v. Wadle*, 97 P.3d 932 (Colo. 2004) - Changed Colorado law on standard of appellate review for motions for new trial, obtaining a new trial for the client.
- *People v. Kennaugh*, 80 P.3d 315 (Colo. 2003) - Changed Colorado law to shorten time limit a business owner, and any other similarly situated person, is required to spend on probation following misdemeanor conviction.
- *Beauprez v. Avalos*, 42 P.3d 642 (Colo. 2002) - Co-tried a congressional redistricting case after the 2000 census, and then on appeal helped successfully defend the trial court's adoption of the client's redistricting plan, which established Colorado's Seventh Congressional District
- *United States v. Louisiana Pacific Corp.*, 106 F.3d 345 (10th Cir. 1997) - Helped obtain trial court dismissal of a portion of federal Clean Air Act conspiracy charges against a corporation and its plant manager, and then helped successfully defend that dismissal on appeal. The appellate victory materially contributed to satisfactory settlement of the entire case.

BAR & COURT ADMISSIONS

Colorado

U.S. Court of Appeals, 10th Circuit

U.S. Court of Appeals, 5th Circuit

U.S. District Court, D. Colorado

U.S. District Court, W.D. Michigan

U.S. Supreme Court

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

The Best Lawyers in America

Colorado Appellate Lawyer of the Year, 2016

Appeals, 2006-2020

Colorado Super Lawyers

Appellate, 2006-2020

Martindale Hubbell AV Preeminent Peer-Review Rated, 2019

5280 Magazine

DEAN S. NEUWIRTH

Top Lawyers

Appellate, 2015-2020

Colorado Bar Association Appellate Practice Subcommittee

Office of the Colorado Presiding Disciplinary Judge, hearing board panel member

Colorado Criminal Defense Bar Association