

EXHIBIT G

**Declaration of Kathryn A. Reilly in Support of Lead Counsel and
WTO's Motion for Awards of Attorneys' Fees, Litigation Expenses,
and Reasonable Costs and Expenses to Plaintiffs,
Filed on Behalf of Wheeler Trigg O'Donnell LLP**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KAS

MICHAEL BILINSKY, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

**DECLARATION OF KATHRYN A. REILLY IN SUPPORT OF LEAD COUNSEL AND
WTO'S MOTION FOR AWARDS OF ATTORNEYS' FEES, LITIGATION EXPENSES,
AND REASONABLE COSTS AND EXPENSES TO PLAINTIFFS,
FILED ON BEHALF OF WHEELER TRIGG O'DONNELL LLP**

KATHRYN A. REILLY declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am a partner with the law firm of Wheeler Trigg O'Donnell LLP (“WTO”), Liaison Counsel in the above-captioned action (the “Action”).¹

2. I submit this declaration in support of Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs. I have personal knowledge of the matters set forth herein based on my active participation in the prosecution and settlement of the Action.

I. WTO’S WORK, RATES, AND LODESTAR

3. WTO is highly qualified and experienced in class action litigation, having handled hundreds of class actions in state and federal courts in at least 33 states. With respect to the standing of my firm, attached hereto as **Exhibit 1** is a brief firm resume and biographies of the attorneys in my firm who were involved in this Action.

4. Attached hereto as **Exhibit 2** is a list of WTO attorneys for whom fees are sought in this Action. Exhibit 2 also provides further information about each individual’s qualifications, experience, and role in the litigation.

5. My firm actively participated in the prosecution of the claims on behalf of Plaintiffs and the Settlement Class. In particular, my firm performed work at the direction and under the

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF 85-1), and the Joint Declaration of Joseph A. Fonti and Kathryn A. Reilly in Support of: (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (the “Joint Declaration” or “Joint Decl.”).

supervision of Court-appointed Class Counsel, Bleichmar Fonti & Auld LLP. My firm participated in, among other tasks, ensuring compliance with the District of Colorado local rules; assisting with briefing on the motion for appointment of lead plaintiff; reviewing and commenting on drafts of Plaintiffs' Amended Complaint; reviewing and commenting on drafts of Plaintiffs' opposition to Defendants' motion to dismiss; conducting legal research; and reviewing and commenting on the motions for preliminary and final approval of the proposed settlement.

6. Table 1 below is a schedule summarizing the amount of time spent by attorneys of my firm from inception of the Action through and including April 19, 2024, the rates applicable to each individual, and the lodestar calculation for those individuals based on current billing rates.

7. Table 1 was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. As the lead partner responsible for supervising WTO's work on this case, I supervised the review of these time records to prepare this declaration. The purpose of this review was to confirm both the accuracy of the time entries and the necessity for, and reasonableness of, the time committed to the Action. Time expended on this application for fees has not been included in this request.

8. My firm's lodestar figures are based upon our current billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

9. The total number of hours reflected in Table 1 from inception through and including April 19, 2024, is 127.40. The total lodestar reflected in Table 1 for that period is \$86,011.

TABLE 1

Timekeeper Name	Position	Hours	Hourly Rate	Lodestar
Michael L. O'Donnell	Firm Chair	4.70	\$1,045	\$4,911
Kathryn A. Reilly	Partner	27.20	\$850	\$23,120
Daniel N. Guisbond	Partner	81.40	\$630	\$51,282
Christopher D. Petersen	Staff Counsel	14.10	\$475	\$6,698
TOTALS		127.40		\$86,011

10. The hourly rates for the attorneys of my firm included in Table 1 are the same as the regular rates charged for their services in non-contingent matters and/or which have been accepted in other securities or shareholder litigation.

II. WTO'S EXPENSES

11. In addition to the expenses described in the Declaration of Joseph A. Fonti in Support of Lead Counsel and WTO's Motion for Awards of Attorneys' Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs, WTO incurred computer research expenses of \$227 in connection with legal research conducted in the prosecution of the Action. The records of these expenses are maintained contemporaneously and in the ordinary course by my firm, including receipts, invoices, expense vouchers, check records, and similar documents. In preparing this declaration, I have reviewed these records to confirm the accuracy of the expenses incurred, as well as the reasonableness of and necessity for those expenses. I believe that these expenses were fair and reasonable and were necessary for the efficient and effective prosecution of the Action.

Dated: April 26, 2024

/s Kathryn A. Reilly
 Kathryn A. Reilly

EXHIBIT 1

Bilinsky et al. v. Gatos Silver, Inc., et al.
Civil Action No. 1:22-cv-00453-PAB-KAS

WTO FIRM RESUME AND ATTORNEY BIOS

The logo consists of a horizontal bar with a green section on the left, followed by a thin black section, and then three vertical white bars of varying heights.

Wheeler Trigg O'Donnell LLP

TRIALS. LITIGATION. APPEALS.

**Exhibit 1:
Firm Resume and Attorney Biographies**

**MICHAEL L. O'DONNELL, FIRM CHAIR
KATIE A. REILLY, PARTNER
DANIEL N. GUISBOND, PARTNER
CHRISTOPHER D. PETERSEN, STAFF COUNSEL**

APRIL 16, 2024

“No firm gets better results year after year.”

–Client comment to U.S. News - Best Lawyers

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FIRM OVERVIEW

"Lawyering at its essence."

—The National Law Journal

EXCEPTIONAL TRIAL EXPERIENCE. OUTSTANDING CLIENT RESULTS. Few firms can match Wheeler Trigg O'Donnell's (WTO) passion for client service, stand-up experience, and deep trial bench. And our clients always come first.

CLIENTS' INTERESTS FIRST

- We cultivate **trust and communication** with clients. We build strategy around your goals and priorities.
- Information changes. When new case developments arise, **we run—not walk—to update you.**
- **We staff teams based on your preferences.** We always want your WTO team to reflect your priorities, period.

SINGULAR EXPERIENCE

- WTO's 100 trial lawyers and litigators have taken more than **1,100 trials and arbitrations to verdict or award and hundreds of appeals** to opinion in 45 states and Washington, D.C.

- Eight WTO lawyers are Fellows of the American College of Trial Lawyers. **Few firms in the nation match WTO's ratio of Fellows to partners.**
- Our associates are our future partners. In 2022, **82% of WTO associates served as the primary lawyer** on at least one matter and **91% argued in court—despite continued court backlogs caused by the pandemic.**

CLIENT RESOURCES

- We use alternative fee arrangements to share risk with clients. In 2020, **BTI Consulting named WTO 1 OF 16 "Standouts" for AFAs.**
- WTO's retainer relationship with **trial presentation coaches** helps our lawyers hone oral advocacy and prepare witnesses—at no additional cost to clients.
- WTO's **in-house e-Discovery experts** are national leaders in reducing document production burdens while simultaneously increasing defensibility in court.



CLASS ACTIONS

*"An enviable reputation for defending high-profile
class actions and product liability cases."*

–The Legal 500 US

SEVEN CERTIFIED CLASS ACTION TRIALS. SCORES OF HAPPY CLIENTS. Wheeler Trigg O'Donnell's class action defense group has handled hundreds of class actions in state and federal courts in at least 33 states. WTO lawyers have defeated certification more than 175 times and won motions to dismiss or for summary judgment in dozens more cases. We have also successfully decertified classes after being brought in to rehabilitate class actions gone astray.

In 2022, Chambers USA ranked WTO among the Top 14 firms in the U.S. for class action defense. Representative clients include Aimco, BP, CenturyLink, Electrolux, Ford, GE, Michelin, Toyota, Volvo, Whirlpool, and Yahoo!

As the diversity of our clients suggests, we have extensive experience handling complex class actions involving a wide variety of substantive areas of law, including consumer fraud, product liability, antitrust, insurance, traumatic brain injury, employment, energy and natural resources, securities, and telecommunications.

TESTIMONIALS

“No firm gets better results year after year.”

–Client comment to U.S. News - Best Lawyers

***“A dominant
litigation boutique
celebrated
for its talent in
civil trials.”***

–Chambers USA

***“At the core
of industry-
changing
matters.”***

–The American Lawyer

***“They are relentless,
very smart, and play to
win—and win big.”***

–BTI Consulting

***“Should be in the conversation as to
whether they are the best in the country.”***

–Client comment to LMG Life Sciences

***“Brings calm to the chaos
of high-stakes litigation.”***

–Client comment to Chambers USA

***“Lawyering at
its essence.”***

–The National Law Journal

RECOGNITION FOR WTO



Chambers USA Nationwide Product Liability & Mass Torts: Band 3 "The Elite"

- Among Top 21 firms in the U.S.

Colorado General Commercial Litigation, Band 1

- 5 WTO lawyers among the Top 11—45% of the top-most rankings.

BTI Consulting 2023: Client Service A-Team Ranked among the Top 50 firms in the U.S. for client service, based solely on client feedback.



Finalist, The American Lawyer National Litigation Boutique of the Year Recognized as 1 of only 7 finalists in the U.S.— in two consecutive years.



Benchmark Litigation Colorado Firm of the Year

Recognized for the scope and significance of litigation handled—in 5 out of 6 years.



U.S. News - Best Lawyers

- 43 lawyers ranked in 17 litigation specialties.
- 3 lawyers listed as Denver "Lawyers of the Year."



Vault Top 15 Midsize Law Firm

3 times in 8 years, Vault has recognized WTO as one of the nation's Best Midsize Law Firms to Work For, coming in at #5, #8, and #11 in 2016, 2018, and 2022, respectively.



Colorado Super Lawyers

- 37 lawyers listed
- 2 lawyers in the Top 10
- 9 lawyers in the Top 100



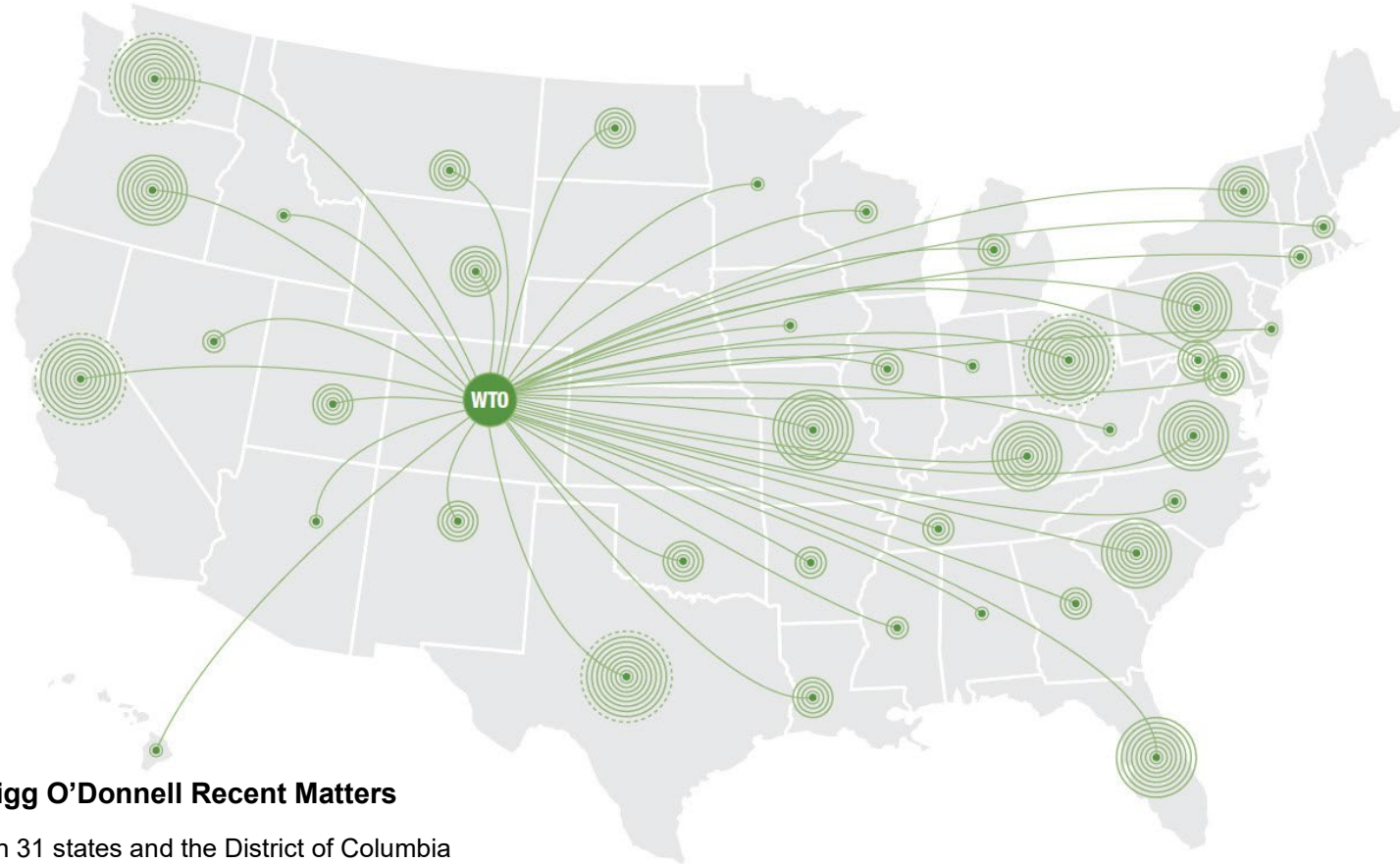
BTI Consulting "Most Feared"

Ranked among the Top 14 "Most Feared" firms in the U.S. based on input from in-house counsel.

NATIONAL TRIAL PRACTICE

"At the core of industry-changing matters."

—The American Lawyer



Wheeler Trigg O'Donnell Recent Matters

ADMITTED in 31 states and the District of Columbia

TRIED cases to verdict in 45 states, plus D.C.

APPEARED in over two-thirds of U.S. District Courts



CAN YOUR LAW FIRM SAY THAT?

Criteria	WTO	Other Firm	WTO Advantage
Trial Verdicts	✓	?	Taken more than 1,100 trials and arbitrations to verdict or award and hundreds of appeals to opinion in 45 states and Washington, D.C.
Class Action Experience	✓	?	Defeated class certification over 175 times , decertified several more classes, and tried 7 certified class actions to juries or judges. Defended class actions in 33 states.
American College	✓	?	8 Fellows of the American College of Trial Lawyers.
Nation-leading Rankings	✓	?	Two years in a row as 1 of just 7 finalists for The American Lawyer’s National Litigation Boutique of the Year.
National AFA Leader	✓	?	BTI Consulting named WTO 1 of 16 “Standouts” in the U.S. for alternative fee arrangements. WTO and Whirlpool won the ACC Value Champions award for creativity and value-based legal management in fee arrangements.
Top-market Experience at Mid-market Rates	✓	?	WTO stands alongside the most prestigious firms in the country— at a fraction of the cost.
Efficiency	✓	?	Staffing: 1 partner, 1 associate, and 1 paralegal until more hands are needed. We do not over-lawyer and <i>then</i> look for work to do.
Diversity & Inclusion	✓	?	WTO fundamentally changed its recruiting and hiring practices to increase diversity. Since 2017, 55% of new hires have been women and 23% are otherwise diverse.
Minority Corporate Counsel Association Innovator Award	✓	?	Recognized as a national leader for innovation in diversity and inclusion efforts with the MCCA Vashon Innovator Award.
Experienced Associates	✓	?	In 2022, 82% of WTO associates served as the primary lawyer on at least one matter and 91% played active speaking roles in court.
All of the Above	✓	X	WTO delivers a truly unique combination of experience and value to clients.

DIVERSITY, EQUITY & INCLUSION

AT WHEELER TRIGG O'DONNELL, WE BELIEVE that a more diverse, equitable, and inclusive workplace furthers our mission of delivering world-class litigation and trial services to our clients. Experience has taught us that we provide better service and achieve greater results when our teams reflect the diversity of our clients and the communities we serve.

As a result of our years-long focus on promotion and advancement, **28% of partners—and WTO only has one partnership tier—and 50% of our management committee are women.** This places WTO firmly alongside the top 10% of AmLaw 200 firms in these areas. WTO was also one of the first major firms in the Rocky Mountain region to elect a diverse managing partner, in 2012.

Better Reflecting Our Clients: Recent Recruitment, Retention & Advancement Efforts

- We recently updated WTO's associate review process to **a behavioral- and evidence-based model to disrupt implicit bias.** This builds on a similar shift we made to our interview process, described below.
- A Professional Development Manager monitors opportunities and assignments to help **ensure equity and inclusion across associates.**

- We also employ a Professional Writing Coach to **help all WTO associates develop their legal writing skills** to the levels that WTO's clients and partners expect.
- Several years ago, **WTO adopted a behavior-based interview format—in contrast to traditional models focusing solely on "pedigree and fit"**—to mitigate implicit bias in the recruiting and hiring process. Since making this change, we have substantially increased our offers of employment to diverse and women attorneys.
- WTO financially supports, and our attorneys volunteer time to, **Law School . . . Yes We Can!**, an organization dedicated to carving a path to law school for students with modest means, many of whom are first-generation college students.
- WTO participates in the **LCLD 1L Scholars Program** and the **Colorado Pledge to Diversity**, hiring rising 1L students as summer clerks. The firm also sponsors a **2L Summer Clerkship Program** to recruit and cultivate diverse talent from across the country.

DIVERSITY, EQUITY & INCLUSION

Current Community & Network Development Efforts

- In 2020, WTO co-founded the **Denver Law Firm Coalition for Racial Equity** along with the five largest Denver-based law firms. Together, Coalition firms are advancing racial equity in Denver's legal community through knowledge-sharing, joint initiatives, and accountability measures. Coalition firms are working to make Denver an appealing destination for diverse attorneys, for example through the Coalition's Practice Denver initiative, which is building a pipeline to Denver from Chicago-area law schools.
- WTO is a proud member of the **Law Firm Antiracism Alliance**, an international coalition of leading law firms focused on dismantling barriers to opportunity in communities of color.
- WTO is an active member of the **Leadership Council on Legal Diversity**, a national organization that offers sophisticated networking and leadership opportunities to diverse attorneys.
- Diverse WTO attorneys regularly participate in the **Colorado General Counsel Mentoring Program**, building their relationships and networks with influential general counsel.

Ongoing Education

- We engage consultants to provide firm-wide trainings on a variety of topics. Recent examples include “**The Brain Science of Unconscious Bias**” and “**Rethinking Diversity: Where Do We Go From Here?**” WTO has also launched an annual speaker series on workplace inclusion and paths to leadership for diverse and women attorneys.
- WTO offers **seminars, CLEs, and trainings** to firm personnel and clients throughout the year on topics around diversity, equity, and inclusion.

PRACTICES & INDUSTRIES

*"This is the firm to hire in the highest exposure cases
requiring experienced trial counsel."*

–Client comment to U.S. News - Best Lawyers

LITIGATION PRACTICE AREAS

Antitrust & Competition
Appellate
Catastrophic Injury Defense
Class Actions
Commercial Litigation
Employment

Environmental Litigation
Franchise & Distribution
Healthcare Professional Liability
Intellectual Property
Investigations & Compliance
Legal Professional Liability

Mass Torts
Pro Bono
Product Liability
Professional Liability
Securities Litigation & Enforcement
Defense

REPRESENTATIVE INDUSTRIES

Asbestos
Automotive
Cannabis
Construction & Engineering
Consumer Products & Services
Energy

Financial Services
Healthcare
Insurance
Legal Services
Medical Devices & Pharmaceuticals
Oil & Gas

Professional Services
Real Estate
Telecommunications
Trucking

ATTORNEY BIOGRAPHIES



MICHAEL L. O'DONNELL

Firm Chair

odonnell@wtotrial.com | P 303.244.1850 | F 303.244.1879

Michael O'Donnell has taken more than 85 trials to verdict and appeared as lead defense counsel in 40 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Alongside his tremendous trial record, Mike is nationally recognized for his strength in settling complex litigation. Mike is a past president of the American College of Trial Lawyers. He is nationally ranked in Chambers USA, and his colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for 10 of the last 11 years.

"Tremendous trial and negotiation skills" and "a presence that commands respect."

—Client comments to Chambers USA

EDUCATION

University of Denver Sturm College of Law, J.D., 1979

University of Notre Dame, B.A., 1976, English

GOVERNMENT SERVICE

Member, Federal Judicial Evaluation Committee for U. S. Senator Cory Gardner

Intern to the Honorable Sherman Finesilver, United States District Court for the District of Colorado

ADMISSIONS

Colorado
Wyoming

HIGHLIGHTS

- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Won a directed verdict in a \$100 million insurance coverage arbitration.
- Won a unanimous defense jury verdict for Michelin North America in a \$66 million product liability trial in South Carolina.
- Won three critical summary judgment and *Daubert* rulings for a major law firm and three lawyers in a legal malpractice case, precluding damages claims in excess of \$10M from proceeding to trial and materially lowering the clients' risk going forward.

INDUSTRIES

- Medical Devices & Pharmaceuticals
- Automotive
- Energy
- Oil & Gas
- Construction & Engineering

PRACTICE AREAS

- Class Actions
- Commercial Litigation
- Environmental Litigation
- Securities Litigation & Enforcement
- Defense



BIOGRAPHY

Michael O'Donnell has taken more than 85 trials to verdict and appeared as lead defense counsel in 45 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Alongside his tremendous trial record, Mike is nationally recognized for his strength in settling complex litigation. Mike is a past president of the American College of Trial Lawyers. He is nationally ranked in Chambers USA, and his colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for 10 of the last 11 years.

Mike has served as national trial and resolution counsel for numerous highly visible companies, including General Electric, Michelin North America, Advanced Bionics, McKesson, Boston Scientific, Guidant, Skyjack, and Pfizer. He is a Fellow of the International Academy of Trial Lawyers and member of the American Board of Trial Advocates. Mike is a former chairman of The Network of Trial Law Firms, a 5,000-member lawyer organization that offers continuing legal education programs on litigation topics. In 2021, a case that Mike tried (*Nash v. Michelin*) was selected as one of the Top Ten Defense Verdicts in the U.S. by Courtroom View Network.

Chambers USA ranks Mike nationwide for product liability and mass torts defense. *Colorado Super Lawyers* has ranked Mike the number-one lawyer in Colorado for nine years in a row (2013-2021) based on independent research and a survey of his peers--a feat no other Colorado lawyer has accomplished--and he has been named to its top 10 list every year since 2009. Best Lawyers lists Mike in seven litigation practice areas and named him "Denver Legal Malpractice Lawyer of the Year" for 2017 and 2011, and

"Denver Product Liability Litigation Lawyer of the Year" for 2013 and 2012. In 2011, Law Week Colorado selected Mike as one of 10 "Lawyers of the Decade" and "Lawyer of the Year" in Colorado. In a survey conducted by Law Week Colorado in 2010, Mike was selected by his peers as the "Best Trial Lawyer" in Colorado.

In 2012, Mike was honored with the University of Denver Law Outstanding Alumni Award which is presented each year to one DU Law graduate who has demonstrated professional achievement and humanitarian service to the community. In 2008, he became only the seventh defense lawyer to receive an award from the Colorado Trial Lawyers Association for the highest standards of competency, ethics, and professionalism.

CASES

Trials & Oral Arguments

- Won a directed verdict in a \$100 million insurance coverage arbitration involving a novel rectification coverage claim.
- Won a unanimous defense jury verdict for Michelin North America in a \$66 million product liability trial in South Carolina. The plaintiffs claimed that an allegedly defective Michelin motorcycle tire caused an accident resulting in catastrophic injuries.
- Won a \$1.25 billion exit fee dispute for an electric distributor against its generation and transmission provider.

MICHAEL L. O'DONNELL

- As lead national trial counsel to GE Healthcare, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt to create an MDL involving gadolinium-based contrast agents.
- Won a complete defense jury verdict for Michelin following a nine-week product liability trial in Florida in which the plaintiffs requested damages between \$80 million and \$1.2 billion following a rollover accident involving Michelin tires. WTO also won the appeal.
- Won order vacating a \$10.87 million property insurance award and disqualifying a national property appraiser, and subsequently won sanctions against the policyholder and its lawyers, and won 99.7% of attorneys' fees and costs.
- Won a unanimous defense verdict for Michelin following a three-week trial in Arizona state court in which the plaintiff demanded \$20 million in actual and punitive damages.
- Won a complete defense jury verdict in federal court for a large international law firm accused of malpractice. The plaintiff hired WTO's client to handle a complex patent infringement matter, then sued the firm for negligence and breach of fiduciary duty.
- Represented a Fortune 500 company as national trial counsel for hundreds of product liability claims and lawsuits involving a Class III medical device used to treat abdominal aortic aneurysms.

Major Settlements

- Facilitated a rural electric cooperative's withdrawal from membership in a wholesale cooperative. WTO's client achieved settlement for hundreds of millions of dollars below the wholesaler's demand and can now acquire substantially cheaper and renewable green energy sources for its members.
- Represented Denver International Airport in high-profile claims involving alleged bid rigging and unfair competition relating to a \$50 million terminal concessions contract.
- Represented Denver International Airport against the Regional Transportation District in a dispute over cost-sharing agreements involving a new rail line serving the airport.
- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.

MICHAEL L. O'DONNELL

- Represented a food distributor in allegations of *Listeria* contamination resulting in 33 deaths and 146 confirmed cases in one of the largest and deadliest food-borne illness outbreaks in the United States.
 - Represent a Fortune 50 company as national resolution counsel in hundreds of cases involving a medical imaging contrast agent alleged to induce a rare disease.
 - 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.
 - Obtained partial summary judgment in federal court for a large national law firm that had been sued for malpractice, aiding and abetting, conspiracy, and violations of RICO. The ruling reduced the damage claim from over \$150 million to less than \$2 million and paved the way for a favorable settlement of the case.
- Other Relevant Experience**
- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
 - Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
 - Won three critical summary judgment and *Daubert* rulings for a major law firm and three lawyers in a legal malpractice case, precluding damages claims in excess of \$10M from proceeding to trial and materially lowering the clients' risk going forward.
 - Selected as liaison counsel to all distributor defendants in federal multidistrict litigation in California involving vaping products.
 - Representing multiple public utility companies in contentious commercial litigation against an energy association with hundreds of millions of dollars at stake.
 - Won a landmark federal case in Illinois defining the obligations of lead and liaison counsel in multidistrict litigation.
 - Won complete affirmance in the Tenth Circuit of landmark rulings governing insurance appraisals. In two published opinions, the Tenth Circuit affirmed trial court rulings vacating an eight-figure appraisal award against the client, disqualifying for bias a national policyholder appraiser, and sanctioning the policyholder and its lawyers for misconduct in connection with the appraisal.
 - Represent Skyjack Inc. as national trial counsel in product liability cases involving aerial lift and boom equipment.

MICHAEL L. O'DONNELL

- Serving as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.
- Obtained summary judgment from a Texas district court in a case alleging WTO's client, a life insurance company, committed fraud and violated consumer protection laws.
- Obtained a Rule 12(b) dismissal of a complaint filed in federal court in Missouri against a large international law firm. The plaintiffs ultimately obtained an eight-figure jury verdict against the remaining defendants in the case.
- Secured a ruling from a California appeals court affirming the preemption of claims brought against WTO's client for its abdominal stent medical device.
- Obtained a Rule 12(b) dismissal of a malpractice case against five lawyers. The opposing party appealed the dismissal and, while the appeal was pending, the case settled with no payments being made by WTO's clients.
- Obtained summary judgment for a law firm client and an award of attorneys' fees in a legal malpractice case in which the plaintiff sought \$7 million in damages. The plaintiff appealed the award of attorneys' fees, and the parties settled the appeal with payments being made to the client.
- Awarded complete summary judgment in a legal malpractice case one week before a multi-week trial was scheduled to begin. The plaintiff had sought over \$5 million in damages.
- Successfully defended the Vancouver Canucks NHL organization in a lawsuit brought by Colorado Avalanche player Steven Moore as a result of severe injuries he sustained during a hockey game. WTO obtained dismissal of the lawsuit on the grounds of lack of personal jurisdiction and *forum non conveniens*, and also obtained a six-figure award of attorney's fees and costs in favor of the Canucks organization and against Mr. Moore.
- Defended AT&T Wireless in a nationwide class action in Colorado state court involving the billing of wireless air time.
- Represent General Electric as national counsel in personal injury matters involving trucks that move oversized loads, including wind turbines.

TEACHING POSITIONS

BAR-BRI Course on Professional Responsibility
National Institute for Trial Advocacy
University of Denver Sturm College of Law
Guest Lecturer
University of Colorado at Denver, MBA Program

MICHAEL L. O'DONNELL

Guest Lecturer
Numerous CLE Presentations

REPRESENTATIVE CLIENTS

Advanced Bionics - National Trial Counsel
City & County of Denver
CoorsTek
Crown Equipment - Regional Trial Counsel
Denver International Airport
Dish Network
Empower Retirement Services
Fresenius - National Counsel
General Electric - National Trial Counsel
Guidant - National Trial Counsel
High Net-Worth Individuals
Lawyers and Law Firms
Level 3 Communications
Lumen Technologies - National Trial Counsel
Michelin North America - National Trial Counsel
Skyjack

BAR & COURT ADMISSIONS

Colorado
Wyoming
U.S. Supreme Court
U.S. Court of Appeals, 10th Circuit
U.S. District Court, C.D. Illinois
U.S. District Court, D. Colorado

U.S. District Court, D. Wyoming
U.S. District Court, E.D. Michigan

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Fellow, American College of Trial Lawyers
Immediate Past President, 2022-2023
President, 2021-2022
President Elect, 2020-2021
Treasurer, 2019-2020
Secretary, 2018-2019
Regent, 2012-2016
Regent Liaison for ACTL Task Force on Discovery and
Civil Justice,
2013-2015
Sandra Day O'Connor Award Committee, 2013-2015
Federal Rules of Civil Procedure Committee, 2013-2015
Regent's Nominating Committee
Chair, 2016
Special Problems in the Administration of Justice
Committee, Vice
Chairman, 2011-2012
Adjunct State Committee, 2011-2012
Colorado State Committee, Chairman, 2008-2010
Chairman-Elect, 2007-2008, Vice Chairman, 2006-2007
Code of Conduct Committee, 2007-2008
Complex Litigation Committee 2004-2005
Trustee, United States Supreme Court Historical Society,
2024
Fellow, International Academy of Trial Lawyers



MICHAEL L. O'DONNELL

American Board of Trial Advocates

Member

Fellow, Litigation Counsel of America, The Trial Lawyer

Honorary Society

Member, Diversity Law Institute

Member, Trial Law Institute

International Association of Defense Counsel

Member

Chambers USA

Product Liability - Nationwide, 2015-2023

Commercial Litigation - Colorado, 2009-2023

BTI Consulting

Client Service All-Star MVP, 2020

Client Service All-Star, 2019

The Best Lawyers in America

Denver Legal Malpractice Law - Defendants Lawyer of the Year, 2011, 2014, 2017, 2020

Denver Personal Injury Litigation Lawyer of the Year, 2015, 2018

Denver Product Liability Litigation Lawyer of the Year, 2012-2013, 2019

Denver Mass Tort Litigation/Class Actions - Defendants Lawyer of the Year, 2021

Bet-the-Company Litigation, 2005-2024

Commercial Litigation, 2005-2024

Legal Malpractice Law, 2005-2024

Mass Tort Litigation / Class Actions - Defendants, 2017-2024

Personal Injury Litigation - Defendants, 2005-2024

Product Liability Litigation - Defendants, 2005-2024

Professional Malpractice Law - Defendants, 2017-2024

The Legal 500 United States

Litigation: Product Liability and Mass Tort Defense, 2007, 2009-2011, 2013

Benchmark Litigation

Local Litigation Star, 2020-2024

Commercial Litigation - Colorado, 2011-2018

Product Liability - Colorado, 2013-2018

Professional Liability - Colorado, 2013-2018

Colorado Super Lawyers

Ranked #1 in Colorado, 2013-2022

Top 10, 2007, 2009-2012, 2023-2024

Personal Injury Defense: Products, 2009-2024

Class Action/Mass Torts, 2006-2008

5280 Magazine

Top Lawyer

Civil Litigation, 2020-2021, 2023-2024

Commercial Litigation, 2020-2021, 2023-2024

Personal Injury: Defense, 2020-2021, 2023-2024

Law Week Colorado

Lawyer of the Year, 2016

"People's Choice" Best Overall Litigator, 2017

"People's Choice" Civil Litigator, 2016

"Barrister's Best" Best Overall Litigator, 2015, 2019

"People's Choice" Class Action Defense Lawyer, 2014,

MICHAEL L. O'DONNELL

2021

"Barrister's Best" Best Class Action/Mass Tort Defense
Lawyer, 2012, 2021
Lawyers of the Decade, 2011
"Barrister's Best" Best Trial Lawyer, 2010 5280 Magazine
Top Lawyer
 Personal Injury Defense, 2015-2019
 Civil Litigation, 2015-2019
 Commercial Litigation, 2017-2019
University of Denver Sturm College of Law
 Dean's Advisory Board, 2022
 Outstanding Alumni Award, 2012
 Co-Chair of Reunion Committee, 2004
University of Notre Dame Law School Council, 2019
Euromoney's Expert Guides - Litigation and Product Liability
Martindale-Hubbell AV® Peer Review Rated
The International Who's Who of Product Liability Defense
Lawyers, 2011, 2014-2017, 2019
The International Who's Who of Life Sciences Lawyers,
2014, 2017
Institute for the Advancement of the American Legal System
(IAALS)
 ACTL Task Force on Discovery and Civil Justice, member
 2015 Rebuilding Justice Award
Colorado Trial Lawyers Association
 Award for Competency, Ethics, and Professionalism, 2008
The American Lawyer
 Top Commercial Litigation Lawyers, 2006

Corporate LiveWire
 2014 Lawyer of the Year - Litigation & Dispute Resolution
(Denver)
Best of the Bar, Denver Business Journal
Colorado Bar Foundation
 Fellow
The Network of Trial Law Firms
 Chairman, 2005-2006
Denver Bar Association
 Vice President, Board of Trustees
Colorado Bar Association
 Member, Board of Governors
American Bar Association
 Chairman, Issues Affecting the Legal Profession
 Young Lawyers Section Liaison to Standing Committee on
 Professional Discipline
American Bar Foundation
 Life Fellow
Judge William E. Doyle American Inn of Court, Master
Denver Law Club
Faculty of Federal Advocates
 Board of Directors, 2004-2005
Defense Research Institute
 Member, Professional Liability Committee
Colorado Defense Lawyers Association
USDC Colorado Committee on Conduct, 2012
Who's Who in Law, *Denver Business Journal*
Colorado Judicial Institute



MICHAEL L. O'DONNELL

Board of Directors, 2004-present
Judicial Awards Committee, 2006-present
IAALS Law Firm Council
Founding member
National Center for State Courts
Lawyers Committee Member
Lawdragon 500 Leading Litigators in America, 2022, 2023

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Wheeler Trigg O'Donnell Foundation
Founder and President, 2005-present
Archdiocese of Denver
Finance Council, 2008-2013
Catholic Charities Archdiocese of Denver
Board Member, 2010-present
Denver Police Foundation
Board of Directors, 2004-present
Walking for Kids
Founding Member, Board of Directors, 2009-present
Trial.com Foundation, Inc.
President, 2005-2006
The Catholic Foundation
Board of Directors, Advancement Committee, 2004-2005
American Heart Association of Colorado and Wyoming
Chairman of the Board
American Heart Association of Colorado
Denver Metro Division, Chairman of the Board
Denver Tennis Club
Board of Directors

The Village Club
President
Hundred Club of Denver
Member

ARTICLES & PRESENTATIONS

Articles

- Co-Author, "Trial by Webcam: Tips From a Firsthand Experience," *Law360*, (May 28, 2020).
- Co-Author, "New Strategies for Defending Professional Liability and Malpractice Cases," *Best Practices for Addressing Professional Liability Claims*, (July 2015).
- "Managing Product Liability in the Americas," quoted in *Financier Worldwide*, (September 2009).

Book Chapters

- "Witness Preparation Primer: Inviting a Witness to Provide Truthful and Favorable Testimony," *Mastering the Art of Preparing Witnesses*, (December 2017).
- "Deconstructing the Key Liability Expert: Strategy and Secrets for Successful Cross-Examination," *From the Trenches: Strategies and Tips From 21 of the Nation's Top Trial Lawyers*, (2015).

Presentations

- Presenter, "What the Hail? Exposing Biased Insurance Appraisers," The 28th Annual ACIC General Counsel Seminar Survey, (July 28, 2017).



MICHAEL L. O'DONNELL

- Presenter, "Dealing with Collusion and Fraud in Property Loss Litigation, Litigation Management in a New York Minute - 2016 Edition," The Network of Trial Law Firms, New York, NY, (August 5, 2016).
- Presenter, "Dollars and \$ense Negotiating the Pay Raise - Practical Advice from the Decision-Makers," The Association of Corporate Counsel Colorado Chapter CLE and reception, (May 12, 2016).
- "Association of Corporate Counsel: Negotiating the Pay Raise," (May 12, 2016).
- Presenter, "Settling Strategies for MDLs: Getting Started, Setting Values, and Overcoming Obstacles," The Mass Torts Judicial Forum in New York City, (April 15, 2016).
- Presenter, "The Defense Perspective: How Loss Prevention and Firm Management Practices Can Impact Malpractice Claims," Ethics CLE at Wheeler Trigg O'Donnell, (November 19, 2014).
- Presenter, "Managing a Large Casualty Claim," The Advisen Casualty Insights Conference in New York City, (March 27, 2014).
- Presenter, "Avoiding Missteps in Handling Litigation and Other Disputes," Association of Corporate Counsel Colorado Chapter, (December 5, 2012).
- Presenter, "The Trial of a Legal Malpractice Case," The Aon Law Firm Symposium, (October 12, 2012).
- Presenter, "Unique Issues in Mass Torts," University of Denver Sturm College of Law, (November 7, 2011).
- Presenter, "Negotiation," MBA students at McGill University, (October 12, 2011).
- "The Nuts and Bolts of Successor Liability," presented to CAN, (February 10, 2011).
- "Ethics CLE: Avoiding Malpractice," University of Denver Alumni Weekend, (October 14, 2010).
- "Settlement Negotiation Strategies," Continuing Legal Education Seminar, (May 2010).
- "Strategic Management," University of Colorado at Denver MBA Program, (February 2010).
- Presenter, "Deposition Strategy 101," Colorado Defense Lawyers Association CLE Seminar, (December 4, 2009).
- Presenter, "Leadership and Strategic Management," University of Colorado MBA Students, (December 1, 2009).
- "Leadership," University of Colorado at Denver MBA Program, (December 1, 2009).

MICHAEL L. O'DONNELL

- Presenter, "Preventing Legal Malpractice, Potential Pitfalls and How to Avoid Them," Colorado Bar Association Continuing Legal Education Seminar, (2009-2013).
- Presenter, "Alternative Dispute Resolution," CAN, (March 2008).
- Presenter, "Appellate Update on Colorado Law," Colorado State Court Trial and Appellate Judges, (September 2007).
- Presenter, "What In-House Counsel Want and How to Give It to Them," The Network of Trial Law Firms, (April 20, 2007).
- Presenter, "Selecting Outside Trial Counsel," Association of Corporate Counsel Colorado Chapter, (March 21, 2007).
- Presenter, "Selection of Outside Counsel," The Network of Trial Law Firms, (April 29, 2006).
- Presenter, "Pharmaceutical Torts Cases in Colorado," Colorado Bar Association and Denver Bar Association CLE Ethical Consideration for Practitioners, (November 3, 2005).
- Presenter, "Punitive Damages," The Network of Trial Law Firms, (October 23, 2004).
- Presenter, "Punitive Damages," 27th Annual Conference of Colorado Defense Lawyers Association, (August 20, 2004).
- Presenter, "Campbell v. State Farm," The Network of Trial Law Firms' Meeting, (Apr. 2003).
- Presenter, "Colorado Civil Justice League Legislative Panel," In conjunction with the American Tort Reform Association Annual Legislative Conference for State Coalition Leaders and Citizens Against Lawsuit Abuse, (November 14, 2002).
- Presenter, "Non-Liability to Non-Participants: A Manufacturer's Duty Should End at the Playing Field, and Not Extend to Criminal Acts," Mealey's Prod. Liab. & Risk, (August 29, 2002).
- Presenter, "Behold the Future: Emerging Areas Including Mold, Cellular Phones, MTBE, Chromium 6, and More," The Future of Mass Tort Litigation in America, (March 23, 2002).
- Presenter, "Ethics and Professionalism in Client Relations," University of Denver Law School, (November 12, 2001).
- Presenter, "Challenging the Admissibility of Medical Causation Opinion Derived From 'Differential Diagnosis - Application of *Daubert* and Amended FRE 702', The Network of Trial Law Firms, (October 26, 2001).

MICHAEL L. O'DONNELL

- Presenter, "Winning by Disqualifying Plaintiff's Experts," The Network of Trial Law Firms, (October 25, 2001).
- Presenter, "Preventing Legal Malpractice," Colorado Bar Association CLE Seminar and Torts Update, (October 9, 1998).
- Presenter, "Colorado Legal Malpractice," The Colorado Bar Association Tort Law Update, (1998).
- Presenter, "Winning the Battle of the Experts," Professional Education Systems Inc., (December 16, 1996).
- Presenter, "Discovery," Colorado Defense Lawyers Association, (August 27, 1994).
- Presenter, "Depositions: Strategies, Tactics and Mechanics," Professional Education Systems Inc., (November 11, 1992).

Newsletters

- Value Challenge: Alternative Fee Agreements May Create Financial and Ethical Risk

PERSONAL INTERESTS

Family, golf, reading, travel



KATIE A. REILLY

Partner

reilly@wtotrial.com | P 303.244.1983 | F 303.244.1879

Katie Reilly represents clients in complex commercial litigation, including antitrust matters and class actions in highly regulated industries. For four straight years, BTI Consulting has named Katie a nationwide Client Service All-Stars MVP based exclusively on input from corporate counsel. Chambers USA ranks her for commercial litigation in Colorado. Katie serves on WTO's management committee.

"A formidable litigator" and "a very creative and solution-oriented attorney."

—Peer and client comments, respectively, to Chambers USA

EDUCATION

New York University School of Law, J.D., 2001, *cum laude*

University of Virginia, B.A., 1998, Classics and English, with distinction

OTHER EXPERIENCE

Husch Blackwell

Jacobs Chase

WilmerHale

Cravath, Swaine & Moore, Summer Associate

ADMISSIONS

Colorado

District of Columbia

HIGHLIGHTS

- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.
- Successfully represented multiple defendants in a \$2 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State. After four years of litigation, and just two months before trial, WTO helped to negotiate settlement for the defense group, resulting in defendants paying only 3% of the demand.
- Successfully defended a telecommunications company in a state and federal putative class action in Washington arising out of an alleged data breach.
- Won Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed WTO's prior summary judgment win and defeated the plaintiff's new claims on appeal.

INDUSTRIES

- Healthcare
- Real Estate
- Consumer Products & Services

PRACTICE AREAS

- Class Actions
- Securities Litigation & Enforcement
Defense



KATIE A. REILLY

BIOGRAPHY

Katie Reilly represents clients in complex commercial litigation, including antitrust matters and class actions in highly regulated industries. For four straight years, BTI Consulting has named Katie a nationwide Client Service All-Stars MVP based exclusively on input from corporate counsel. Chambers USA ranks her for commercial litigation in Colorado. Katie serves on WTO's management committee.

Katie has favorably represented antitrust clients in matters involving monopolization, conspiracy, price fixing, exclusive dealing, and other competition-related disputes, including trade secrets and non-compete actions. She has extensive knowledge of the regulatory hurdles and obligations her clients face, and she develops effective litigation and trial strategies based on her clients' business priorities. Katie also routinely provides antitrust counseling to clients in connection with their formation of joint ventures, development of pricing policies, collaborations with competitors, and other activities potentially involving antitrust laws.

Katie's additional commercial litigation experience includes successfully representing clients in business disputes at both the trial and appellate levels. Her experience includes contract disputes, business divorces, consumer fraud, and business tort claims.

Katie has extensive healthcare industry experience, as well as real estate, energy, aviation, manufacturing, sports, and telecommunications. Katie also represents municipalities in high-stakes and often contentious disputes involving other municipal entities.

CASES

Class Actions

- Serving as lead trial counsel for a natural gas company in a certified antitrust class action alleging wholesale price manipulation and seeking more than \$2 billion in damages.
- Won Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed WTO's prior summary judgment win and defeated the plaintiff's new claims on appeal.
- Won voluntary dismissal of putative class action claims for one of the nation's largest health and wellness franchisors. The plaintiff claimed our client and the franchisee refused to refund her massage spa membership.
- Successfully represented a major North American resort owner and operator in multiple consumer class actions seeking refunds following the company's closure of its ski resorts during the COVID-19 pandemic.

KATIE A. REILLY

- Successfully represented multiple defendants in a \$2 billion federal antitrust and labor class action challenging the au pair exchange program administered by the Department of State. After four years of litigation, and just two months before trial, WTO helped to negotiate settlement for the defense group, resulting in defendants paying only 3% of the demand.
- Successfully defended a telecommunications company in a state and federal putative class action in Washington arising out of an alleged data breach.

Antitrust & Competition

- Successfully negotiated a class settlement—for 2.5% of the claimed damages—for a major utility provider and its subsidiary in a 15-year-old putative antitrust class action in Colorado federal court.
- On the eve of trial, obtained settlement for a leading nationwide insurer facing a novel antitrust challenge to its method of handling property damage claims.
- Lead counsel for major real estate investment company in *In Re: Apartment Rental Software Antitrust Litigation* (M.D. Tenn. 2023). Plaintiffs seek billions of dollars in damages.
- Obtained favorable settlement for a nation-leading cable operator in a high-stakes and high-profile antitrust dispute brought by a regional content provider.
- Successfully represented one of the nation's largest grocery and foodservice distributors as a direct action plaintiff in antitrust litigation concerning broiler chickens.
- Won a preliminary injunction for one of the nation's largest health and wellness franchisors against three competing fitness and nutrition studios that had stolen our client's trade secrets, infringed on its trademarks, and breached non-compete obligations.
- Successfully defended a leading technology distributor against claims of civil conspiracy and trade secret misappropriation brought by former competitors, who sought tens of millions of dollars in damages. Following full discovery and a *Daubert* hearing, plaintiffs dismissed all claims on the eve of trial without any settlement or payment from WTO's client.
- Won WTO's motion to dismiss a federal antitrust action for a New Mexico healthcare trade association accused of conspiring to exclude healthcare providers from market.
- Won motions to dismiss all antitrust claims against our client, a leading technology distributor, in multiple related antitrust conspiracy lawsuits brought by former distributors.

KATIE A. REILLY

- Won reversal of a TRO that had been issued *ex parte* at the close of business on a Friday, effectively shutting down operations for a major manufacturing and distribution client, and subsequently won rejection of the injunction against WTO's client.
- Successfully represented a healthcare trade association in an \$80 million federal antitrust lawsuit alleging conspiracy among the trade association, health systems, and health insurance companies.
- Won summary judgment from trial court and successfully defended that order before the Tenth Circuit in a federal antitrust lawsuit alleging conspiracy to monopolize fixed-base operations at an airport.
- Successfully defended a government contractor in a federal antitrust class action and obtained early dismissal of tying and monopolization claims asserted by franchisee plaintiffs.
- Successfully defended a health system against antitrust claims and state law claims in multiple lawsuits brought by physicians relating to failed joint ventures.

Commercial Litigation

- Won a hearing for the majority owners of an ethanol production company to defeat a preliminary injunction attempt and completely unwind an *ex parte* ruling that the company's minority owners obtained to install a receiver to displace WTO's clients from running the company.
- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act, among other claims—obtained dismissal of all claims against nine out of 10 defendants, paving the way for a favorable settlement.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.
- Won a \$39 million plaintiff's jury verdict as co-trial counsel for Allergan and Duke University after a five-day patent infringement trial in federal court in Colorado.
- Served as lead counsel in series of lawsuits concerning contract disputes between nation-leading telecom companies with over \$1 billion at issue. Achieved highly favorable settlement.

KATIE A. REILLY

- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
- Won a complete victory following a four-day arbitration for one of the nation's largest beauty and wellness franchisors, which was accused of franchise disclosure violations, violations of unfair competition laws, and breach of contract. WTO also successfully countersued for breach of contract and trade secret misappropriation, obtained preliminary and permanent injunctions, recovered liquidated damages, and secured an award of attorneys' fees and costs.
- Won a \$14.3 million arbitration award, plus attorneys' fees and costs, for a multistate cannabis operator in a Florida franchise dispute involving lost royalties and right-of-first-refusal issues.
- Successfully represented a global industrial gas company in defense of a competitor's application for preliminary and mandatory injunctive relief, ultimately facilitating resolution of a dispute valued in the hundreds of millions of dollars on highly favorable terms.
- Won summary judgment in a high-stakes commercial dispute between technology companies. WTO represented 10 of 12 defendants and served as lead counsel for the joint defense. At issue were questions of legality and fraud related to asset management and an outstanding loan owed by a business entity that had dissolved. WTO demonstrated that its clients had been fair and above-board, and that no fraud existed.
- Successfully represented Aimco, one of the largest apartment owners in the U.S., in nationwide litigation alleging intentional torts against Airbnb. After jury selection in the first trial, Airbnb settled all litigation on terms allowing Aimco to control short-term rental activity consistent with its contract and property rights.
- Won summary judgment in arbitration for a nation-leading telecom provider in an indemnification dispute with a former subcontractor whose employee filed a class action lawsuit in the Southern District of New York. Though the plaintiff was one classmember among thousands, WTO demonstrated that the subcontractor was liable to indemnify WTO's client for all of its attorneys' fees related to the class action and a pro rata share of the resulting settlement.

KATIE A. REILLY

- Won a Tenth Circuit appeal for a leading U.S. railroad operator defending a district court order that dismissed a third-party intervenor's claims against WTO's client based on lack of standing to enforce an EPA consent decree.
- Successfully represented an aerospace supplier in a product liability action involving responsibility for a \$10 million cleanup effort at a rocket manufacturing facility.
- Successfully defended a Fortune 50 telecommunications conglomerate against allegations brought by a competitor that WTO's client breached FCC phone number portability regulations.
- Successfully represented a leading regional healthcare network as lead trial counsel in a high-stakes trademark dispute against a national healthcare insurance provider.
- Obtained dismissal for an insurance company client facing a civil RICO lawsuit in federal court, with risk of treble damages, for issuing a surety bond to a marijuana business as required by state regulations. The judge granted our client's motion to dismiss because the plaintiffs failed to plausibly allege injury sufficient to establish RICO standing.
- Won summary judgment for a major ski resort as plaintiff in a contract dispute involving a wireless infrastructure contractor.
- Represented one of the nation's largest healthcare franchisors in a federal court action challenging the legality of the underlying business model.
- Successfully represented a Colorado-based healthcare system in breach of contract action involving provision of home healthcare services.
- Won a complete verdict in a bench trial in federal bankruptcy court involving claims of fraud alleged in a business divorce.
- Represented a health system and obtained favorable settlement in a breach of contract action based on the termination of a management services contract for a Colorado hospital's oncology department.
- Defended a manufacturing company against a multimillion-dollar breach of warranty claim involving allegedly defective parts and negotiated a favorable settlement of less than 10 percent of the damages claimed.
- Obtained a favorable plaintiffs' verdict and monetary damages in a one-week jury trial based on an extreme and outrageous conduct claim.
- Represented the founders of a major ski resort in a two-week jury trial against a leading mountain resort company in a breach of contract action.

KATIE A. REILLY

- Successfully represented a Fortune 100 telecommunications company in an appeal in the U.S. Court of Appeals for the D.C. Circuit involving the application of Federal Communications Commission (FCC) regulations.
- Won dismissal from trial court for publisher Simon & Schuster in a case involving a movie studio's \$50 million damages claim relating to the movie Sahara and alleging false representation of popular novelist Clive Cussler's readership figures.

Municipal

- Obtained complete dismissal with prejudice for two real estate investment clients facing claims brought by a municipal district seeking hundreds of millions of dollars in damages. The plaintiff alleged violations of the Colorado Organized Crimes Control Act, breaches of fiduciary duties, aiding and abetting such breaches, civil conspiracy, and more.
- Represented the City of Aurora in a Rule 106 action against the City of Greenwood Village involving an intergovernmental agreement between the cities under which Greenwood Village transferred development authority of a real estate parcel to Aurora.
- Represented Denver International Airport in high-profile claims involving alleged bid rigging and unfair competition relating to a \$50 million terminal concessions contract.

- Represented Denver International Airport against the Regional Transportation District in a dispute over cost-sharing agreements involving a new rail line serving the airport.
- Represent citizens in a lawsuit against a municipality alleging a violation of the Colorado Taxpayer Bill of Rights (TABOR).

Real Estate

- Won reversal of summary judgment against our client, a real estate developer, in a dispute over a reciprocal easement, the outcome of which had a multimillion-dollar effect on the value of the property. The case was remanded to district court with orders to hear evidence at trial.
- Obtained injunctive relief for a shopping center owner and developer requiring an adjacent property owner to renovate the shopping center common area according to the terms of a reciprocal easement agreement.
- Represented a real estate developer and obtained a \$4.8 million judgment against the title insurance company after a seven-day bench trial in a bad faith breach of title insurance action.
- Represented a major railroad company in connection with numerous right of way disputes, including quiet title and condemnation actions.

KATIE A. REILLY

REPRESENTATIVE CLIENTS

Denver International Airport
Expedia Group
Lumen Technologies - National Trial Counsel
SCL Health
Xcel Energy

BAR & COURT ADMISSIONS

Colorado
District of Columbia
U.S. Court of Appeals, 10th Circuit
U.S. Court of Appeals, D.C. Circuit

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Chambers USA
Band 2, General Commercial Litigation - Colorado, 2021-2023
Band 3, General Commercial Litigation - Colorado, 2020
Band 4, General Commercial Litigation - Colorado, 2018-2019
Up and Coming, General Commercial Litigation - Colorado, 2016-2017
BTI Consulting
Client Service All-Star MVP, 2020, 2021, 2022, 2023
Client Service All-Star, 2019
The Best Lawyers in America
Bet-the-Company Litigation, 2024
Litigation - Antitrust Lawyer of the Year, Denver, 2021, 2023

Litigation - Antitrust, 2024
Commercial Litigation, 2018-2024
Antitrust Litigation, 2018-2023
Mass Tort Litigation / Class Actions - Defendants, 2022-2024
Benchmark Litigation
Under 40 Hot List, 2016-2017
Future Star, 2021-2024
5280 Magazine
Top Lawyers
Antitrust, 2020-2021, 2023-2024
Civil Litigation, 2021, 2023-2024
Law Week Colorado
Top Women Lawyers, 2016
"People's Choice" Antitrust Lawyer, 2016-2018, 2020, 2023
"Barrister's Best" Antitrust Lawyer, 2019
Denver Business Journal
"Forty Under 40," 2012
Colorado Super Lawyers
Antitrust Litigation, 2017-2024
Top 100, 2018-2024
Top 50 Women, 2018-2024
Colorado Rising Stars
Business Litigation, 2009-2016
Institute for the Advancement of the American Legal System
Chair, Law Firm Council, 2020
Board of Advisors, 2020

KATIE A. REILLY

Law School. . . Yes We Can
Building Futures Fundraiser Co-Chair, 2021
American Health Lawyers Association
Antitrust Practice Group
Colorado Lawyers Committee
Board of Directors, 2008-2014
Sixth Amendment Task Force
Colorado Judicial Institute
Board Member
Colorado Women's Bar Association Foundation
Board of Directors, 2014-present
Colorado Women's Bar Association
Faculty of Federal Advocates
Counsel/Co-counsel Program
University of Colorado Law School
Dean's Advisory Council, 2013-present
Law360
2024 Editorial Advisory Board for Colorado

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Denver Kids Inc.
Board Chair, September 2017-2018
Board of Directors, 2010-2019
Executive Committee, 2012-2019
Mentor, 2006-2014
The Women's Leadership Foundation, Colorado Women's
Chamber of Commerce
Charter Member, Board Bound Program

Denver Metro Chamber of Commerce
Leadership Denver Program, Class of 2011
Denver Metro Chamber Leadership Foundation
Impact Denver Program, Class of 2007
La Conexión
Board of Directors, 2006-2007
The Women's Foundation of Colorado
Corporate Committee, 2011-2013

ARTICLES & PRESENTATIONS

Articles

- "DOJ, FTC Announce Expedited Antitrust Review and Guidance Procedure for Collaborative Efforts Aimed at Responding to COVID-19 Pandemic,"(March 2020).

Presentations

- Presenter, "Spot the Risk, Reap the Reward: Top 10 Antitrust Risks to Avoid in 2023," Trial Network Lakeside Litigation SuperCourse, (April 28, 2023).
- "CWBA: Grit Project," (March 5, 2015).



DANIEL N. GUISBOND

Partner

guisbond@wtotrial.com | P 303.244.1922 | F 303.244.1879

Dan Guisbond helps clients navigate commercial cases across a variety of business sectors. He has represented some of the biggest brand name companies in the country—including Amazon, Yahoo, Pandora, and DISH—in complex disputes nationwide. Dan also has experience before the Copyright Royalty Board.

EDUCATION

Fordham University School of Law, J.D.,
2010, *Fordham Law Review*
Cornell University, B.A., 2005, Government

OTHER EXPERIENCE

Winston & Strawn LLP
Dewey Ballantine LLP

ADMISSIONS

Colorado
New York

HIGHLIGHTS

- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act.
- Served as lead counsel to a health system to defend against a putative consumer class action in Montana challenging medical records charges.
- Defended a pharmaceutical startup company in an SEC enforcement action alleging misappropriation of investor funds and related Securities Act and Exchange Act claims.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company.
- Helped secure a \$21 million settlement (pending court approval) as liaison counsel to the lead plaintiff in a \$42 million securities class action alleging that a silver mine made materially false and misleading statements to defraud investors.
- Won favorable settlement for the CEO and founder of a major television company in a shareholder dispute following the merger of two sister companies.

INDUSTRIES

- Consumer Products & Services
- Oil & Gas

PRACTICE AREAS

- Class Actions
- Securities Litigation



DANIEL N. GUISBOND

BIOGRAPHY

Dan Guisbond helps clients navigate commercial cases across a variety of business sectors. He has represented some of the biggest brand name companies in the country—including Amazon, Yahoo, Pandora, and DISH—in complex disputes nationwide. Dan also has experience before the Copyright Royalty Board.

In addition to his broader commercial experience, Dan maintains a soft intellectual property practice, primarily involving copyright and trademark-related issues in the technology, digital media, and entertainment fields. He is an experienced advocate at all phases of litigation—from inception through appeal—and has handled matters in federal and state courts across the country.

CASES

Commercial Litigation

- Representing an electric cooperative in an eight-figure fee dispute with its wholesale provider in federal court in South Carolina.
- Helped secure a \$21 million settlement (pending court approval) as liaison counsel to the lead plaintiff in a \$42 million securities class action alleging that a silver mine made materially false and misleading statements to defraud investors.
- Serving as lead national trial counsel to a major U.S. distributor of vaping products in federal multidistrict litigation in California. WTO is liaison counsel to all of the distributor defendants in the litigation.
- Representing an oil and gas company against claims brought by a city board of commissioners alleging that WTO's client is responsible for consequences of climate change.
- Representing a real estate developer facing breach of fiduciary claims brought by a municipal district seeking damages.
- Representing an electric cooperative in an exit fee dispute with its wholesale provider.
- Won a judgment for a major television provider in a contract dispute with a former business partner.
- Won a successful settlement for a luxury credit card company in a commercial dispute with a major payment processing network.
- Successfully represented the board member of a cannabis company in an arbitration involving claims of breach of fiduciary duty.
- Representing a hospitality company that defaulted on a loan due to the economic impact of COVID-19.

DANIEL N. GUISBOND

- Served as lead counsel to a health system to defend against a putative consumer class action in Montana challenging medical records charges.
 - Won favorable settlement for the CEO and founder of a major television company in a shareholder dispute following the merger of two sister companies.
 - Won summary judgment for a major insurer in a fraud suit.
 - Won favorable settlement for a private equity company in a contract dispute between two co-developers of a solar energy project.
 - Represented a major kitchen appliance manufacturer in a class action alleging false advertising of the company's blenders.
 - Successfully represented a global industrial gas company in defense of a competitor's application for preliminary and mandatory injunctive relief, ultimately facilitating resolution of a dispute valued in the hundreds of millions of dollars on highly favorable terms.
 - Represented a major consumer goods company in a multibillion-dollar dispute against 48 U.S. states and territories regarding payments owed under an earlier settlement agreement.
 - Represented the NFL Players Association and NFL players in workers' compensation disputes with the NFL Management Council and its member clubs.
- Soft Intellectual Property**
- Obtained relief for a nonprofit organ recovery and transplantation company in a trademark dispute against a hospital technology software company. The infringer changed its name as a result of WTO's efforts.
 - Represented an industry leading inter-dealer broker in a multimillion-dollar dispute alleging corporate raiding and misappropriation of trade secrets.
 - Represented a major fashion house in an employee defection and trade secret dispute with a major rival.
 - Represented an international investment bank in a copyright infringement dispute in the Southern District of New York.
 - Represented a major digital service provider in "Phonorecords III" royalty rate-setting proceedings before the Copyright Royalty Board.
 - Represented a digital service provider in a copyright infringement suit against more than 20 music publishing companies.

DANIEL N. GUISBOND

- Represented a new-media disrupter in a copyright infringement suit brought by 17 major television broadcast networks, assisting in securing significant victories in both the Southern District of New York and the Second Circuit.
- Represented an international consumer electronics company in a dispute regarding ownership of and rights to an iconic trademark in the consumer electronics industry.

Pro Bono

- Conducted an unprecedented review of thousands of criminal cases, occurring between 1985 and 1999, contributing to the exoneration of numerous persons who were wrongly convicted on the basis of improper microscopic hair comparison analyses and related expert testimony provided by the FBI.
- Represented a holocaust survivor in his application for a one-time German Ghetto Work Program reparations payment.
- Represented a former U.S. Marine in his application to correct his military records in the wake of the repeal of Don't Ask, Don't Tell.

Other Relevant Experience

- Defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act, among other claims—obtained dismissal of all claims against nine out of 10 defendants, paving the way for a favorable settlement.
- Defended a pharmaceutical startup company in an SEC enforcement action alleging misappropriation of investor funds and related Securities Act and Exchange Act claims.
- Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.

DANIEL N. GUISBOND

BAR & COURT ADMISSIONS

Colorado

New York

U.S. District Court, D. Colorado

U.S. District Court, E.D. New York

U.S. District Court, S.D. New York

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Super Lawyers - New York Rising Stars

Intellectual Property Litigation 2014-2018

The Best Lawyers in America

Ones to Watch - Commercial Litigation, 2023-2024

Ones to Watch - Intellectual Property Law, 2023-2024

American Bar Association

Colorado Bar Association

Denver Bar Association

ARTICLES & PRESENTATIONS

- "Jailbroken: Future of Interoperability Exemptions Under the DMCA," New York Law Journal, Vol. 249—No. 112, (June 12, 2013).

PERSONAL INTERESTS

Running, reading, skiing, traveling, and watching college basketball



CHRISTOPHER D. PETERSEN

Staff Counsel

petersen@wtotrial.com | P 303.244.1932 | F 303.244.1879

Christopher Petersen brings strong experience to bear for clients facing commercial disputes. Chris has gained particular experience across industries including natural resources, real estate, and land use. He also handles professional liability matters and maintains an active pro bono practice.

EDUCATION

University of Utah S.J. Quinney College of Law, J.D., 2012, Articles Editor, *Utah Law Review*

Shepherd University, B.S., 2008, *cum laude*

GOVERNMENT SERVICE

Law Clerk to the Honorable Clark Waddoups of the U.S. District Court for the District of Utah

Law Clerk, Appellate Division, Salt Lake City Legal Defenders Association

OTHER EXPERIENCE

Kay, Casto & Chaney, PLLC

Associate

Bowles Rice, LLP

Associate

Jackson Kelly, PLLC

Associate

ADMISSIONS

Colorado

Virginia (inactive)

HIGHLIGHTS

- Won a plaintiff's jury verdict for an investor in a breach of contract trial.
- Served as court-appointed counsel in a *habeas corpus* case brought under 28 U.S.C. § 2254, representing a state-court prisoner who received a life sentence and was asserting that he received ineffective assistance of counsel. The matter culminated in a favorable ruling from the Fourth Circuit Court of Appeals.

INDUSTRIES

- Oil & Gas
- Real Estate
- Construction & Engineering
- Financial Services

PRACTICE AREAS

- Commercial Litigation
- Appellate

CHRISTOPHER D. PETERSEN

BIOGRAPHY

Christopher Petersen brings strong experience to bear for clients facing commercial disputes. Chris has gained particular experience across industries including natural resources, real estate, and land use. He also handles professional liability matters and maintains an active pro bono practice.

Throughout his career, Chris has represented property owners, landowners, developers, and municipalities in litigation involving construction, real property, land use, and zoning disputes. In all of these matters, he works carefully and efficiently to provide the most relevant information to the clients and attorney teams he serves to help make informed litigation strategy.

Prior to joining WTO, Chris served as an associate in the litigation departments of multiple law firms, where he gained valuable experience developing case strategy and taking individual responsibility for client matters. Most recently, Chris served as a judicial clerk for the Hon. Clark Waddoups of the U.S. District Court for the District of Utah.

CASES

- Won a plaintiff's jury verdict in Denver District Court for an investor in a multimillion dollar breach of contract trial. The case arose out of a mismanaged real estate development project.

- Served as court-appointed counsel in a *habeas corpus* case brought under 28 U.S.C. § 2254, representing a state-court prisoner who received a life sentence and was asserting that he received ineffective assistance of counsel. The matter culminated in a favorable ruling from the Fourth Circuit Court of Appeals.

BAR & COURT ADMISSIONS

Colorado

Virginia (inactive)

West Virginia

FOR MORE INFORMATION

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Christopher D. Petersen

Staff Counsel

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[Proof Positive: WTO's 2022 Annual Review](#)



EXHIBIT 2

Bilinsky et al. v. Gatos Silver, Inc., et al.
Civil Action No. 1:22-cv-00453-PAB-KAS

SUMMARY OF WTO TIMEKEEPER QUALIFICATIONS, EXPERIENCE, AND ROLE IN THE ACTION

FIRM CHAIR

Michael L. O'Donnell (4.70 hours): Mr. O'Donnell is the Firm Chair of WTO and graduated from the University of Denver Sturm College of Law in 1979. Mr. O'Donnell performed high-level oversight of WTO's representation.

PARTNERS

Kathryn A. Reilly (27.20 hours): Ms. Reilly is a Partner at WTO and graduated from New York University School of Law in 2001. Ms. Reilly directed WTO's efforts and was involved in all aspects of WTO's representation.

Daniel N. Guisbond (81.40 hours): Mr. Guisbond is a Partner at WTO and graduated from Fordham University School of Law in 2010. Mr. Guisbond was involved in all aspects of WTO's representation.

STAFF COUNSEL

Christopher D. Petersen (14.10 hours): Mr. Petersen is Staff Counsel at WTO and graduated from the University of Utah S.J. Quinney College of Law in 2012. Mr. Petersen performed legal research to inform WTO's representation.