



## Melissa A. Wiese

### OF COUNSEL

Denver

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### RELATED SERVICES

- Insurance
- Product Liability
- Bad Faith
- Professional Liability Coverage
- Construction
- Professional Liability Defense
- Fidelity

### OFFICES

- Denver

### OVERVIEW

Melissa A. Wiese is Of Counsel in the firm's Denver office and has over twenty-five years of litigation experience handling general liability defense and insurance. She has argued before the Colorado Court of Appeals, the Colorado Supreme Court and the Tenth Circuit Court of Appeals in matters involving construction defect and insurance coverage litigation. She has drafted numerous articles to clients to alert them of significant changes in Colorado law as they occur and, at a former firm, co-authored a publication focusing on bad faith law across four jurisdictions (Colorado, Montana, New Mexico and Wyoming) to assist insurance clients with claim handling.

In specific regard to insurance, her practice spans pre-suit coverage recommendations and advice through coverage litigation and the defense of bad faith claims. She has settled numerous high exposure

cases on behalf of insurance clients as well as achieving summary disposition in a number of cases involving interpretation of policy language. Her insurance expertise includes policies providing coverage for first-party casualty, uninsured/underinsured motorist benefits, commercial general liability, errors and omissions, and fidelity/employee dishonesty.

Melissa's general liability practice has included construction defect, auto accident, premises liability, personal injury, and professional liability cases. Her experience ranges from simple, two-party dog bite cases to complex, multi-party, multi-tiered construction defect actions. The construction defect cases she has handled involved not only litigation over the defects themselves but also contract interpretation, including disputes over anti-subrogation clauses and indemnity agreements. She has achieved early dismissal of a number of cases due to her ability to find procedural errors and flaws in a plaintiff's complaint or contract interpretation.

## REPRESENTATIVE EXPERIENCE

- Motion for summary judgment granted on behalf of carrier in a coverage/bad faith action involving a pollution exclusion in a commercial general liability policy which was affirmed by the Tenth Circuit Court of Appeals after oral argument. *New Salida Ditch Co. v. United Fire & Casualty Co.*, 400 Fed.Appx. 338, 2010 WL 4250004 (10th Cir. 2010)
- Motion for summary judgment granted under earth movement exclusion in coverage/bad faith litigation involving an extensive first-party property damage claim;
- Motion for summary judgment granted in action between carriers on the duty to defend a mutual insured;
- *Boulder Plaza Residential, LLC v. Summit Flooring, LLC*, 198 P.3d 1213 (Colo. App. 2008).
- *Copper Mountain, Inc. v. Industrial Systems, Inc.*, 208 P.3d 1107 (Colo. App. 2007).
- *Globe Indemnity Co. v. Travelers Indemnity Co. of Illinois*, 98 P.3d 971 (Colo. App. 2004).

## PUBLICATIONS

- *Insurance Policy Rescission Compendium: Colorado*, DRI (2018)

## PRESENTATIONS

- Colorado Bar Association, Hot Topics in Commercial General Liability Insurance Coverage, Continuing Legal Education, October 27, 2016
- West Coast Casualty Construction Defect Seminar, Risk Management, May, 2016
- Special Librarians Association, Annual Seminar, Good Food Gone Bad, the Evolution of a Food Contamination Claim, June 2013

## CREDENTIALS

### Admissions

- Colorado
- U.S. District Court for the District of Colorado
- U.S. Court of Appeals, Tenth Circuit

### Memberships

- Colorado Defense Lawyers Association
- Colorado Bar Association

### Education

- J.D., University of Colorado School of Law
  - Dean's list fall 1994 and spring 1996
  - University of Colorado Law Review
  - Member and Associate Editor
- B.A., English and French, University of Colorado, 1993
  - Dean's Scholar 1991, 1992, and 1993
  - Phi Beta Kappa Honor Fraternity