

HIRST Wyoming Attorneys APPLEGATE

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EMPLOYMENT

1995 to Present – Partner, **Hirst Applegate, LLP.**
- Practice areas include: Civil Litigation, Products Liability, Transportation and Trucking Defense, Premises Liability, Professional Liability, Insurance Coverage and Bad Faith, and Wrongful Death

EDUCATION

University of Memphis, J.D., 1994
Managing Editor Law Review

REPORTED CASES

Fertig v. Sedgwick, Inc., 2022 U.S. App. LEXIS 12046
Panna v. Swift Transp. Co. of Aiz, LLC, 2021 U.S. Dist. LEXIS 45341
EagleMed LLC v. Cox, 868 F.3d 893 (10th Cir. 2017)
Union Pac. R.R. Co. v. Caballo Coal Co., 246 P.3d 867 (Wyo. 2011)
Dollarhide v. Bancroft, 239 P.3d 1168 (Wyo. 2010)
Ohio Cas. Ins. Co. v. W.N. McMurry Constr. Co., 230 P.3d 312 (Wyo. 2010)
In re Toyota Motor Corp. Unintended Acceleration Mktg. Sales Practices & Prods. Liab. Litig., 8:10ML02151, 2010 U.S. Dist. LEXIS 62393 (D. Cal. June 1, 2010)
Cramer v. Powder River Coal, 204 P.3d 974 (Wyo. 2009);
Lucky Gate Ranch v. Baker & Assoc., 208 P.3d 57 (Wyo. 2009);
Loredo v. Solvay, et al, 212 P.3d 614 (Wyo. 2009);
Rohde v. Smiths Med., 165 P.3d 433 (Wyo. 2007);
Boswell v. Colloid Emvtl. Techs. Co., 215 Fed Appx. 771 (10th Cir. 2007);
W.N. McMurry Constr. Co. v. Cmty. First Ins., Inc., 160 P.3d 71 (Wyo. 2007);
Sponsel v. Park County, 2006 WY 6, 126 P.3d 105 (Wyo. 2006);
Eastman v. Union Pac. R.R., 493 F.3d 1151 (10th Cir. 2007);
United States Aviation Underwriters, Inc. v. Dassault Aviation, 505 F.Supp. 2d 1252 (D.Wyo. 2007);
Boswell v. CETCO, 236 F.R.D. 682; 2006 U.S. Dist. LEXIS 54798 (D.Wyo. 2006);
Burnett v. Imerys Marble, 2005 WY 82 (Wyo. 2005);
Huff v. Shumate, 360 F.

Supp. 2d 1197 (D.Wyo. 2005);
Vialpando v. Cooper Cameron Corp., 2004 U.S. App. LEXIS 1392 (10th Cir. 2004);
Swank v. Zimmer, 2004 U.S. Dist. LEXIS 30377 (D.Wyo. 2004);
Greenwalt v. Ram Rest. Corp., 71 P.3d 717 (Wyo. 2003);
Hynes v. Energy West, 211 F.3d 1193 (10th Cir. 2000).

PRESENTATIONS & PUBLICATIONS

- *Contractual Indemnity & Additional Insurance*, DLAW (2017)
- *Drone Technology in Accident Reconstructions*, The Harmonie Group Denver Claims Seminar (2016)
- *The Billed vs. Paid Debate for Medical Specials*, Wyoming State Bar Annual Meeting (2015)
- *Cost Shifting: Indemnity and Additional Insurance Provisions*, The Harmonie Group Transportation Symposium (2015)
- *Anti-Indemnity Statutes*, Intermountain Claims Symposium (2013)
- *Eggshell Plaintiffs*, The Harmonie Group Transportation Symposium (2012)
- *Evidence Based Accident Investigations*, Wyoming Mining Association Annual Meeting (2011)
- R. Mincer and H. Mincer, *Science and the Law, BITEMARK EVIDENCE* (Dorion, ed. 2005 & 2011).
- *The Viability of Direct Negligence Claims Against Motor Carriers in the Face of an Admission of Respondeat Superior*, 10 U. Wyoming L. Rev. 229 (2010)
- *Workplace Owner Liability and Co-employee Immunity*; Wyoming Mining Association Annual Meeting (2009)
- *Effective Use of Experts*, DLAW Annual Meeting (1997)
- *Rule 68 Offer of Judgment: Sharpen the Sword for Swift Settlement*, 25 U. Mem L. Rev. 1401 (1995)
- *Phillips v. Duro-Last Roofing, Inc.: Strictly Speaking, Comparative Negligence Principles Must Be Applied to Strict Liability Actions in Some States*, 23 Mem. St. U. L. Rev. 209 (1992)

ACTIVITIES & ACCOMPLISHMENTS

- Recognized by Benchmark Litigation as a Litigation Star
- Recognized as a Super Lawyer
- Recognized by Chambers USA
- Recognized in Best Lawyers in America

PROFESSIONAL AFFILIATIONS

Trucking Industry Defense Association (TIDA)
Wyoming Federal Permanent Rules Advisory Committee
Wyoming Civil Pattern Jury Instructions Committee
Mining Associates of Wyoming (Past President)
Defense Research Institute (former Wyoming State Rep)
Defense Lawyers Assoc. of Wyoming (Past President)
National Institute of Trial Advocacy (NITA)
The Harmonie Group

CIVIC AFFILIATIONS

Cheyenne Kiwanis Club
Cheyenne Animal Shelter Board
Cheyenne Chamber of Commerce
Leadership Wyoming Graduate
High Plains Drafters & BJCP National Judge
Cheyenne DDA (Past Board President)