

# HIRST Wyoming Attorneys APPLEGATE



## **Kara L. Ellsbury, Partner**

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## EMPLOYMENT

2018 to Present - Partner, **Hirst Applegate, LLP**

- Practice areas include: Civil Litigation, Employment Litigation, Professional Licensing Commercial Litigation, Personal Injury Litigation, Wrongful Death Defense, and Public Utilities Law.
- Also provides Employment Law counselling and training.

2015 – 2017 Associate, **Hirst Applegate, LLP**

2013 – May 2015 – Associate, **Hughes Law Office**

2010 – June 2013 – Associate **Hirst Applegate, LLP**

Summer of 2010 – Student Intern, **UW Domestic Violence Legal Assistance Project.**

Summer 2009 – Law Clerk, **Hirst Applegate, LLP**

Summer 2008 – Law Clerk, **Hirst Applegate, LLP**

Summer of 2006 – Legislative Intern for **United States Senator Michael B. Enzi**

## EDUCATION

University of Wyoming Law School, J.D., (Order of the Coif, with honors) 2010

University of Wyoming, B.S. Accounting (cum laude), 2007

## RECENT CASES

- Won summary judgment for company in wrongful death case brought by family of independent contractor killed in wheel explosion. Affirmed by Tenth Circuit Court of Appeals.
- Obtained reversal on appeal of award of benefits to employee terminated for misconduct.
- Tried and won breach of contract claim relating to sale of million-dollar commercial property and

obtained remedy of specific performance, requiring the purchaser to proceed with buying the property. Affirmed by the Wyoming Supreme Court.

- Obtained dismissal of complaints pending before the Wyoming State Board of Nursing against Director of Nursing and nurse related to patient care.
- Obtained dismissal of claims brought under Wyoming's "Right to Work Laws" against guiding association by guide.
- Obtained dismissal of defendant in case involving alleged catastrophic personal injuries.
- Obtained favorable result for electric public utility seeking changes to tariffs requiring customer deposits and enabling utility to obtain multi-million-dollar deposit from customer.
- Obtained a favorable result for electric public utility following administrative hearing in highly contested cost of power adjustment proceeding.
- Negotiated favorable settlement for owner of property in construction defect suit brought against design-builder, engineer, and architect.
- Tried and obtained defense verdict in jury trial of wrongful termination and due process claims brought by former school district superintendent. Affirmed by Tenth Circuit Court of Appeals.

## **REPORTED CASES**

*Davis v. Harmony Development, LLC*, 2020 WY 39, 460 P.3d 230 (Wyo. 2020)

*In re Application of Powder River Energy Corp.*, Docket No. 10014-202-CR-19, Record No. 15372, Memo. Opinion, Findings & Order (Wyo. Pub. Serv. Comm'n Aug. 13, 2020)

*Williams v. State ex rel. Univ. of Wyo. Bd. of Trustees*, 2019 WY 90, 448 P.3d 222 (Wyo. 2019)

*In re Application of Powder River Energy Corp.*, Docket No. 10014-175-CT-16, Record No. 14561, Memo. Opinion, Findings & Order (Wyo. Pub. Serv. Comm'n July 23, 2017)

*In re Application of Powder River Energy Corp.*, Docket No. 10014-172-CP-16, Record No. 14441, Memo. Opinion, Findings & Order (Wyo. Pub. Serv. Comm'n Feb. 28, 2017)

*In re Application of Powder River Energy Corp.*, Docket No. 10014-168-CR-16, Record No. 14314, Memo. Opinion, Findings & Order Approving Rate Increase (Wyo. Pub. Serv. Comm'n Nov 23, 2016)

*Campbell County Memorial Hospital v. Pfeifle*, 2014 WY 3, 317P.3d 573 (Wyo. 2014)

## **PRESENTATIONS & PUBLICATIONS**

- How to Get in Trouble with Hiring, Campbell County Chamber of Commerce, July 2021.
- Negligent Infliction of Emotional Distress in an Era of Instantly Accessible Live Media, 2019 Transportation Seminar, The Harmonie Group
- Risky Business or Business Risk? Risk Management for the Law Office, presented with Mark Gifford, Wyoming State Bar Counsel, September 19, 2018 at the Wyoming State Bar Annual Meeting & Judicial Conference.
- Workplace Investigations: Lessons Learned from Litigation, August 2018
- "Negligent Infliction of Emotional Distress in an Era of Inescapable, Instantly Accessible, Live Media," co-author, published in the Wyoming Lawyer
- Re-writing Wyoming's Co-employee Liability Statute, 9 Wyo. L. Rev.645 (2009)

## **PROFFESIONAL AFFILIATIONS**

- Wyoming Bar Association
- Defense Lawyers Association of Wyoming, DLAW
- Electric Cooperative Bar Association, ECBA

## **ACTIVITIES & ACCOMPLISHMENTS**

- 2022 to Present: VP of Programs, Defense Lawyers Association
- 2021 to 2022: President, DLAW
- Recognized by Best Lawyers in America (2022-28<sup>th</sup> Edition);
- 2020: Mountain States Rising Star, Civil Litigation Defense – Super Lawyers
- 2019 to 2021: President-Elect, DLAW
- 2019 to Present: Chairperson, Wyoming State Bar Continuing Legal Education Committee
- 2017 to 2019: Secretary, DLAW
- 2015 to August 2017: Vice President of Programs, DLAW
- 2014 to 2018: Board of Directors, Kid Prints, Inc.
- 2010: Excellence in Advocacy Award, University of Wyoming College of Law
- 2009 to 2010: Rothgerber Mock Trial Competition Championship Team
- 2009 to 2010: Wyoming Law Review, Comment Editor
- 2008 to 2009: Wyoming Law Review, Staff

## **PERSONAL**

Kara Ellsbury, her husband, and their two children live near Sundance, Wyoming, where her husband grew up cattle ranching. After practicing with the firm in Cheyenne for several years, Kara and her husband decided to move to the Sundance area. Kara and her family enjoy the outdoors and spend their time hiking, boating, camping, and skiing. They also enjoy travelling and new adventures.