



Daniel Reilly, Partner

Contact Information

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Professional Summary

- Civil trial lawyer with more than 30 years of trial experience as lead counsel in complex cases around the country.
- Formed Reilly Pozner LLP with a commitment to being the best trial firm in the country.
- Served as legal counsel for individuals and corporations in major cases in state and federal courts in more than 20 states.
- Experienced lecturer to the bench and bar on evidence, jury trial skills and strategies, including how to effectively use demonstrative evidence, developing winning opening statements and personalizing the corporation.
- Given a Star Individuals ranking by Chambers USA® which is only given to lawyers with exceptional expertise and recommendations in their area of practice.
- Named "Lawyer of the Year" by *The Best Lawyers in America*® in Denver Litigation-Banking and Finance (2015).
- Ranked annually in the *Colorado Super Lawyers*® Top 10 since 2006 (2nd top point earner in 2015).

About Daniel:

Dan Reilly is a founding member of Reilly Pozner and he has more than 30 years of experience in courtrooms and before juries around the country. He has been lead counsel for a broad spectrum of complex multi-jurisdictional commercial litigation matters including both the prosecution and defense of class actions for individuals and major corporations. His cases have been throughout the United States including: Arizona, California, Colorado, Florida, Iowa, Minnesota, Missouri, Montana, North Dakota, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington and Wyoming. Dan has served as litigation counsel for the Denver Broncos Football Club, PERA, AIG, NOLHGA (National Organization of Life and Health Insurance Guaranty Associations), Liberty Mutual, Medtronic and a number of other corporations and individuals. He has achieved multiple million dollar jury verdicts.

Dan is a member of the American College of Trial Lawyers and the American Board of Trial Advocates. He is a Fellow of the American Bar Foundation. In recognition of his skill and accomplishments at trial, he has regularly been listed in *The Best Lawyers in America* in the following categories: Business Litigation, Commercial Litigation, Bet-the-Company Litigation, Litigation- Banking & Finance, Litigation - Bankruptcy, Litigation - Intellectual Property and Personal Injury Litigation. Dan was named the first Denver Bet-The-Company "Lawyer of the Year" in 2009 by *The Best Lawyers in America*. He was also named Denver Personal Injury "Lawyer of the Year" in 2010 and Denver Litigation-Banking and Finance "Lawyer of the Year" in 2015 by the publication. Dan has also been regularly listed in *Colorado Super Lawyers* magazine and was the 2nd top point earner in the state in 2012, 2014 and 2015. He appears in America's Registry of Outstanding Professionals, Chambers USA America's Leading Business Lawyers and Who's Who in American Law.

Dan's colleagues in the legal profession, judges as well as lawyers, value his courtroom skills and experience and eagerly attend his presentations. For many years, he and partner Larry Pozner addressed the Colorado Judicial Conference on timely subjects like the evidentiary issues raised by the use of technology in the courtroom, and the standards used to determine the admissibility of scientific and other expert opinions.

Dan regularly addresses fellow trial attorneys in presentations to the National Institute for Trial Advocacy, the Colorado Bar Association Annual Litigation Symposium, the Denver Bar Association, CLE programs, and the Colorado Trial Lawyers Association.

Before teaming up with Larry Pozner to form Reilly Pozner LLP, Dan was head of the litigation practice of the Denver office of McKenna & Cuneo, as well as head of that firm's national litigation training program. Prior to that, he was a named partner in the Denver civil litigation firm of McDermott, Hansen & Reilly. At both firms, he was lead trial counsel for a wide range of complex, multi-state cases.

Representative Highlights:

- Dan Reilly served as lead trial counsel in a dispute over the ownership of the Denver Broncos. In 1984, Edgar Kaiser sold his share of the Denver Broncos Football Club to our client Pat Bowlen – retaining "right of first refusal" on any future sale of a portion of the team. Fifteen years later, after Bowlen had offered a stake in the club to former Broncos



- Rated AV Preeminent 5.0 by Martindale-Hubbell®.
- Listed as a member of the American College of Trial Lawyers since 2000.

Practice Areas:

- Civil Trials
- Complex Commercial Litigation
- Fiduciary Litigation
- Tort Litigation
- Class Actions
- Consumer Fraud
- Stock Brokerage Fraud
- Legal Malpractice
- Products Liability
- Franchise Litigation
- Residential Mortgage-Backed Securities Litigation (RMBS)



Daniel Reilly



Litigation - Banking and Finance States



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quarterback, John Elway, Kaiser sued Bowlen for breach of contract in both federal and state courts. The federal case progressed to the U.S. Court of Appeals for the Tenth Circuit, where our client won. In the related state district court, summary judgment was granted in favor of our client. The Colorado Court of Appeals affirmed the district court's ruling, the Colorado Supreme Court denied certiorari—and our client maintained control of the NFL franchise.

- In 2009, Reilly Pozner began representing multiple plaintiffs in highly complex litigation against several bank trustees and numerous other defendants, leading to significant recoveries through settlements and a jury verdict of \$391 million against PNC Bank. The litigation arose out of a multi-state fraud scheme involving National Prearranged Services, Inc. (a Missouri-based preneed funeral contracts seller) and its two related insurance companies domiciled in Texas. RP was retained by 35 state life and health insurance guaranty associations, NOLHGA, and the Texas Special Deputy Receiver to seek recoveries from over 40 defendants, including multiple bank trustees, an accounting firm, and the former officers and directors of NPS and the insurance companies. Plaintiffs' claims included negligence and breach of fiduciary duty against the bank trustees for allowing the preneed trust funds to be looted, accounting malpractice, and RICO (Racketeer Influenced and Corrupt Organizations Act) claims against the former officers and directors. RP negotiated settlements with most defendants before trial, resulting in large recoveries for the clients. A five-week trial was held in federal court in Missouri in early 2015, where RP attorneys secured a jury verdict of \$391 million (including a punitive damages award) against PNC Bank. The case was reversed and will be re-tried in November, 2018.
- Reilly Pozner was approved by the Lehman Brothers bankruptcy court to act as Lehman's national coordinating and lead trial counsel in prosecuting claims against mortgage loan originators that sold Lehman defective loans. Dan was senior counsel on the firm's team in this representation—involving more than 100 cases in 26 states.
- A group of automobile dealerships were facing a purported class action claiming that new cars were equipped in violation of the Colorado Consumer Protection Act and hired Reilly Pozner to defend its interests. After winning landmark reversals at the Colorado Court of Appeals and Supreme Court of the trial court's initial approval of class treatment, RP team members were called on once again to defend against Plaintiffs' renewed attempt at certification of two different proposed consumer classes. This five year battle for class certification recently culminated in an extensive four-day evidentiary hearing. Agreeing with Reilly Pozner and its client that individual examinations of each car purchase file were necessary and class wide inferences could not be made, the Jefferson County District Court (Tidball, J.) denied Plaintiffs' Second Motion for Class Certification on Rule 23 superiority and predominance grounds.
- Dan was trial counsel to AIG and its insurance and broker-dealer subsidiaries in structured finance, intellectual property, and unfair competition litigation, and in arbitration proceedings before the Financial Industry Regulatory Authority. This representation included protecting the rights of AIG as a certificate holder in connection with a proposed \$8.5 billion settlement of RMBS claims against Bank of America.
- Dan headed a plaintiff's jury trial team which obtained a multi-million dollar trademark infringement judgment in Colorado federal court against H.J. Heinz.
- Seven state insurance guaranty associations sued a regional brokerage firm following the liquidation of MidWest Life. The claims were for fraud and breach of fiduciary duties. After three successful jury trials in Colorado, Washington and a three month trial in Iowa, the brokerage firm agreed to settle the cases for \$30 million.
- Dan represented Trane U.S. Inc. in the re-trial after appeal of a Colorado federal court action brought by a former franchisee of the company. In the



re-trial, Dan and his team obtained a defense judgment which was affirmed in the U.S. Court of Appeals for the Tenth Circuit.

- Dan represented Liberty Digital, a subsidiary of Liberty Media in a Colorado state court breach of contract dispute involving the cable music systems against a national cable company, Comcast Corporation. The case settled after the first day of trial.
- Dan headed the trial team which twice successfully defeated class certification on behalf of the Old Line Life Insurance Company in a consumer/uniform business practices case filed in state court in California. The matter settled prior to trial.
- Dan served as lead counsel defending AIG Life in a multi-million dollar copyright infringement case filed in a Texas federal court which was successfully resolved prior to trial.
- Dan was lead defense counsel representing a national life insurance company in a national class action brought in state court in New Mexico. The matter settled before trial.