



IJAY PALANSKY

PARTNER

Washington, D.C.

314.552.6682

ipalansky@atllp.com



IJay Palansky serves clients across the country from his location in the Maryland suburbs of Washington, D.C.

His practice focuses on high-value, complex litigation in federal and state courts throughout the country, including a wide range of business disputes, and more than 20 consumer fraud class actions across industries including automotive, consumer products and consumer services, and often involving product defect, technological and/or regulatory issues.

Although IJay focuses primarily on trial court litigation, he has considerable appellate experience, including before the U.S. Supreme Court. He has also handled cases before state and federal administrative agencies, as well as numerous arbitrations and mediations.

IJay is also a regular speaker and has appeared on national stages such as the Black Hat Conference. He is also sought by national media for commentary on Internet of Things (IoT) litigation.

TRIAL EXPERIENCE

In 2017, IJay successfully first chaired a four-week, \$230 million trial, defending a large career college against consumer protection and lending claims brought by the Colorado Attorney General.

IJay was trial counsel in a first-of-its-kind, five-day preliminary injunction hearing, winning a complete victory for a career college. The evidentiary presentation led the Court to comment that the Attorney General's office appeared to be "biased" against private colleges.

IJay was prevailing trial counsel in a FERC administrative trial relating to the agency's statutory authority to regulate certain hydroelectric dams in Maine.

While with the U.S. Attorney's Office in Washington, D.C., IJay first-chaired more than 25 trials.

COMPLEX COMMERCIAL/CONSUMER PROTECTION/CLASS ACTION/PRODUCT LIABILITY

IJay has served as lead counsel for both defendants and plaintiffs in complex commercial litigations and class actions in federal and state courts throughout the country. His matters usually involve amounts in controversy of between \$10 million and \$250+

SERVICES AND INDUSTRIES

Alternative Dispute Resolution
Antitrust and Trade Practices
Appellate
Class Action Litigation
Complex Commercial
Litigation
Environmental
Litigation
Mass Tort and Catastrophic
Loss
Data Innovation, Security and
Privacy
Product Liability
Technology
Employment and Labor

ADMISSIONS

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

million, and regularly focus on allegations and claims of product defect, breach of contract, fraud, business torts (such as tortious interference and breach of fiduciary duty), strict liability, false advertising and labeling, unfair trade practices, breach of warranty, unjust enrichment, and violation of state and federal consumer protection laws.

EDUCATION

- Harvard Law School (J.D., *cum laude*, 1996)
- Huron College (B.A., 1993)
 - valedictorian

BACKGROUND

Before joining Armstrong Teasdale, IJay spent 10 years at WilmerHale's D.C. office. He also completed a fellowship as a Special Assistant U.S. attorney in Washington, D.C.

Combining his legal interests with his love of sports, especially hockey, IJay is founder of The Department of Hockey Analytics, a sports analytics consulting firm working with NHL and minor league teams, scouts, and media. IJay wrote a regular column for Sports Illustrated.com about hockey analytics, and prior to that wrote for Canada's largest newspaper, the Toronto Star. His approach blends his background in statistics with elements of game theory and behavioral economics. He has coupled his analytics knowledge with his litigation experience to counsel teams and player agents regarding player contract and arbitration issues.

IJay also spent several years as a professional high-stakes poker player. His success and reputation led to his selection as a member of the two-man "human" team that played the world's leading artificial intelligence poker computer in the "Man vs. Machine" exhibition at the World Series of Poker in 2008.

EXPERIENCE

Dismissals and Settlements of \$10 Million to \$100 Million+ Putative Nationwide Class Actions

Successful representation of various defendants in more than a dozen national or multi-state putative class actions, including:

- Dismissal of all claims in putative national class action on behalf of large consumer products company, relating to architectural sealants.
- Voluntary dismissal by plaintiffs after motion to dismiss briefing and argument in a putative class action alleging false and deceptive rental fees charged by a large men's clothing retailer.
- Successful use of a Rule 11 letter to secure "voluntary" dismissal of a putative national class action against a Fortune 500 company in a matter alleging consumer fraud relating to furniture damage service agreements.
- Dismissal after motion to dismiss briefing of class action relating to ticket sales

and conditions by several Denver-area professional sports franchises.

- Compelling arbitration of named plaintiff's claims in a putative national class action alleging various aspects of consumer fraud and breach of contract relating to furniture service contracts, leading to dismissal of all claims.
- Settling multiple putative class actions prior to or soon after the outset of discovery. Amounts in controversy ranging from \$10 million to \$100 million+.

Won Class Certification for Plaintiffs in Large IoT Liability Case Against Automotive Manufacturer

Lead counsel for three certified plaintiffs' classes with an estimated 400,000 to 500,000 members, in a case alleging that various cars and trucks suffer from a series of cybersecurity defects that render the vehicles vulnerable to being hacked in a way that would allow hackers to remotely control the vehicles' operational and safety systems, including acceleration, braking, steering and ignition.

Resolution of \$60 Million Dispute in Mediation After Being Retained Just Weeks Before Trial

Retained as trial counsel 10 weeks before trial in a case with five defendants and more than \$60 million in controversy. Claims included breaches of fiduciary duty, civil theft, conversion, and unjust enrichment. The case was resolved through mediation just before trial.

Trial Counsel in \$240 Million Suit for College Brought By Colorado Attorney General

Lead counsel in a four-week trial against consumer protection and lending claims where the Colorado Attorney General sought \$240 million. The decision limited the state's relief to \$3 million, which was later reversed and remanded by the Court of Appeals.

Dismissal of All Claims in Multinational Product Distribution and Marketing Dispute

Won dismissal of all claims on behalf of a Fortune 500 company in a multinational dispute relating to marketing and distribution of a range of consumer landscaping and lawn care products.

Defeat of 21 Injunctions Against Private University

Defeated a request by the Colorado attorney general for 21 separate injunctions sought against a private university. After a five-day preliminary injunction proceeding, the court rejected each of the state's requests finding they had no reasonable likelihood of success on the merits.

Ongoing Matters

Lead defense counsel in multiple national class actions on behalf of well-known international consumer products conglomerate, alleging product defect, consumer fraud, breach of express and implied warranty, negligent misrepresentation and unjust enrichment, relating to several lines of deck coatings.

Defense of a large university in a class action alleging breach of contract, unjust enrichment and consumer fraud relating to the university's temporary closure of campus facilities because of COVID-19.

Defense of a distributor of consumer hardware equipment in a national class action alleging product defect and deceptive labeling of bonded cutting wheels.

Representation of plaintiff in connection with breach of a joint venture agreement involving development of intellectual property relating to the treatment of diabetes and

liver disease.