



THOMAS J. PALAZZOLO

Of Counsel - Licensed in MO, Not Admitted in CO

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BIOGRAPHY

Thomas Palazzolo has extensive experience defending corporations nationwide in complex consumer class actions and multidistrict litigation. He focuses his practice on brief writing and legal analysis, especially in the areas of consumer fraud and breach of contract matters.

Tom graduated first in his class from Washington University Law School. Prior to joining WTO, he worked for many years in the international law firm of Bryan Cave.

CASES

- *Star Funding v. Tire Centers, et al.*, 17-1074 (2nd Cir. 2017) - Won Second Circuit affirmance for a Michelin subsidiary upholding summary judgment from the Southern District of New York. The case involved fraud perpetrated by a former employee and a third party.
- *Rehberger et al. v. Yahoo!* (S.D. Ill. 2016) - Successfully resolved a putative class action against Yahoo! involving alleged violations of the Illinois Eavesdropping Statute.
- Obtained dismissal of two putative class action lawsuits for Yahoo! in Ohio state court alleging that daily fantasy sports contests on the website amounted to illegal gambling.
- *Neale v. Volvo Cars of North America, LLC*, No. 14-1540 (3rd Cir. 2015) - Won a precedential, Third Circuit opinion for Volvo that vacated a district court's order to certify classes in six states to pursue claims that the sunroof drains in all Volvo models manufactured from 2003 to the present are defective. The circuit court remanded the case with instructions to "rigorously analyze predominance in the first instance."
- *L.G. Motorsports v. NGMCO & Michelin* (5th Cir. 2015) - Won Fifth Circuit affirmance of a trial court's summary judgment for Michelin in a case alleging that Michelin and General Motors conspired to prevent the plaintiff from obtaining Michelin racing tires for use in the American Le Mans racing series. The original complaint included antitrust claims, which were dismissed, and unfair competition claims that survived until discovery, when no evidence supporting such claims was produced and the trial court granted summary judgment.
- *L.G. Motorsports v. NGMCO & Michelin* (E.D. Tex. 2014) - Won summary judgment for Michelin in a case alleging that Michelin and General Motors conspired to exclude the plaintiff from participation in The American Le Mans racing series.
- *In re Ford E-350 Van Product Liability Litigation* (D. N.J. 2010; D. N.J. 2011) - Defended nationwide and multistate class actions involving claims of consumer fraud and breach of contract against Ford Motor Co. related to its E-350 van. One ruling resulted in summary judgment for Ford against 20 plaintiffs, and another resulted in summary judgment on five of seven

EDUCATION

Washington University School of Law, J.D., 1992
Order of the Coif

University of Missouri, B.A.,
1989, *summa cum laude*

ADMISSIONS

Missouri
Illinois

PRACTICE AREAS

- Commercial Litigation
- Class Actions

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remaining unjust enrichment claims.

- *In re: Bisphenol-A (BPA) Polycarbonate Plastics Product Liability Litigation* (W.D. Mo. 2011) - Defeated motions to certify nationwide, statewide, and issues classes in multidistrict litigation involving the chemical bisphenol A (BPA).
- *Lewis v. Ford*, 685 F.Supp.2d 557 (W.D. Pa. 2010) - Won an early decision holding that denial of class certification does not divest a court of its CAFA jurisdiction.
- *Lewis v. Ford*, 263 F.R.D. 252, 257 (W.D. Pa. 2009) - Defeated class certification for Ford Motor Co. in a Pennsylvania consumer protection act claim.
- *St. Clair County and City of Centreville v. Ford* (Ill. St. Clair Cnty. Cir. Ct. 2004) - Won a complete defense jury verdict for Ford in a six-week, certified class action trial in Illinois.
- *Dabush v. Mercedes-Benz*, 874 A.2d 1110 (App. Div. 2005) - Won summary judgment in favor of Mercedes-Benz and won appeal of summary judgment based on the plaintiff's inability to prove ascertainable loss.
- *In re 2005 U.S. Grand Prix Litigation*, 489 F.3d 316 (7th Cir. 2007) - Successfully defended before the Seventh Circuit a Rule 12 dismissal of all claims relating to a proposed nationwide class action arising out of the 2005 United States Grand Prix in Indianapolis.
- *Robinson v. American Honda*, 551 F.3d 218 (4th Cir. 2009) - Won a Rule 12 dismissal of a proposed nationwide class action against Michelin and won appeal of the dismissal in the Fourth Circuit Court of Appeals.
- *Thiedemann v. Mercedes-Benz USA*, 183 N.J. 234 (2005) - Won the seminal New Jersey decision on ascertainable loss in consumer fraud actions and affirmed summary judgment in favor of Mercedes-Benz.
- *Morris & Matlosz v. Mercedes-Benz* (N.J. Law. Div. 2009) - Won summary judgment against named plaintiffs in a proposed nationwide class action against Mercedes-Benz.