



## THOMAS J. PALAZZOLO

### Of Counsel

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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 Bryan Cave.

### CASES

- Won Eighth Circuit affirmance for a major insurance company to uphold WTO's trial court victory in a motion to dismiss. Following oral arguments, the panel ruled that WTO's client complied with state laws regarding the settlement of total loss claims.
- Defeated a third class certification attempt brought by plaintiffs in four states against Volvo in an overly broad putative class action alleging defects in eight Volvo model sunroofs. The ruling is a significant setback to plaintiffs in the 11-year-old case that the court described as "tortured."
- Won a \$1.25 billion exit fee dispute for an electric distributor against its generation and transmission provider.
- Won complete victory for Hillsdale College in a closely watched dispute against the University of Missouri over the misuse of a deceased alumnus's \$5 million donation.
- Won a landmark federal case in Illinois defining the obligations of lead and liaison counsel in multidistrict litigation.
- Obtained dismissal of a putative class action lawsuit against Volvo involving alleged misrepresentation and false labeling related to safety features.
- 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.
- Representing Michelin and Goodrich Corp. against claims brought by more than 100 plaintiffs alleging groundwater contamination by benzene and other chemicals from a long-closed tire manufacturing plant in Oklahoma. Claims include nuisance, trespass, unjust enrichment, and RCRA violations.
- Successfully resolved a putative class action against Yahoo! involving alleged violations of the Illinois Eavesdropping Statute.

### 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

- Class Actions
- Commercial Litigation

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- 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.
- 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."
- 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.
- 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.
- 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 remaining unjust enrichment claims.
- Defeated motions to certify nationwide, statewide, and issues classes in multidistrict litigation involving the chemical bisphenol A (BPA).
- Won an early decision holding that denial of class certification does not divest a court of its CAFA jurisdiction.
- Defeated class certification for Ford Motor Co. in a Pennsylvania consumer protection act claim.
- 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.
- Won summary judgment against named plaintiffs in a proposed nationwide class action against Mercedes-Benz.
- Successfully defended before the Seventh Circuit a Rule 12 dismissal of all

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claims relating to a proposed nationwide class action arising out of the 2005 United States Grand Prix in Indianapolis.

- Won the seminal New Jersey decision on ascertainable loss in consumer fraud actions and affirmed summary judgment in favor of Mercedes-Benz.
- Won summary judgment in favor of Mercedes-Benz and won appeal of summary judgment based on the plaintiff's inability to prove ascertainable loss.
- Won a complete defense jury verdict for Ford in a six-week, certified class action trial in Illinois.
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