



SpencerFane®

Thomas W. Hayde CIPP/US

Partner

Contact

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Overview

As a privacy professional, Tom Hayde aids clients in developing comprehensive strategies to address information practices and data breach risks, avoid potential claims and liabilities, and ensure compliance with all relevant legal requirements.

Tom also helps clients develop and implement protocols surrounding how to respond when a data breach occurs and defends clients against potential claims and lawsuits regarding data breaches. He has experience defending against and resolving civil claims and enforcement actions under specific information privacy laws, such as FCRA, GLBA, HIPAA, and RFPA.

In addition to his privacy and data security practice, as a litigator Tom has successfully represented Fortune 50 and Fortune 250 companies in a wide range of other complex civil litigation matters in state and federal trial and appellate courts. His experience includes product liability and toxic tort defense, complex insurance coverage suits, fiduciary litigation, construction disputes, and intra-corporate disputes.

His professional activities include serving as a cooperating pro-bono attorney, and trustee, to the ACLU of Missouri.

Education

- Washington University School of Law, 2005 (J.D.)
- Truman State University (B.A.)

Bar Admissions

- Illinois, 2006
- Missouri, 2005

Court Admissions

- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the Southern District of Illinois
- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court for the Northern District of Illinois
- U.S. Court of Appeals for the Seventh Circuit

Distinctions

- Certified Information Privacy Professional/US
- Leadership St. Louis Class, 2017–2018
- *Missouri & Kansas Super Lawyers*, Rising Star, 2009–2018
- *Missouri Lawyers Media*, Largest Defense Verdict of 2012
- *Missouri Lawyers Media*, Up & Coming Lawyers 2010

Memberships

- International Association of Privacy Professionals
- American Bar Association
- ABA Section of Litigation
- Bar Association of Metropolitan St. Louis
- Mound City Bar Association
- Defense Research Institute
- St. Louis Lawyers Association

Presentations and Publications

- “Corporations [Can Be Deposed] Too, My Friend” Responding to a Rule 57.03(b)(4) Corporate Representative Deposition Notice, *St. Louis Bar Journal*, Spring 2014

Related Experience

- Trial counsel in two-week jury trial resulting in complete defense verdict on behalf of Fortune 250 life insurance company against putative beneficiary’s \$5 million contract and fiduciary duty claims. Recognized by *Missouri Lawyers Media* as one of the “Largest Defense Verdicts” in Missouri in 2012.
- Lead trial counsel in federal court in Illinois for general contractor on multi-million-dollar amusement park project in dispute with subcontractor regarding defective supply and installation of insulated wall paneling, resulting in highly favorable post-trial settlement for general contractor.
- Represents Fortune 50 financial services firm in defense of litigation regarding legacy environmental and toxic tort liabilities.
- Counseled clients through all aspects of response to data breaches, including companies engaged in e-commerce in all U.S. states and internationally.

- Written Privacy Statements and Terms of Service for clients engaged in e-commerce, including a manufacturer of smart appliances and an international social media app company.
- Successfully obtained numerous dismissals, stipulated and contested, for various manufacturing and premises defendants in asbestos litigation in Madison County, Illinois, the City of St. Louis, and other jurisdictions.
- Lead counsel for coatings industry clients on pretrial and dispositive and expert motion practice that resulted in the disqualification of many of plaintiffs' experts opinions and partial victory on summary judgment motions, resulting in highly favorable settlement for client.
- Counsel for playground equipment manufacturer in defense of suit brought by freight carrier for alleged mileage shortfall fees under carrier contract; obtained summary judgment on fee claims at trial court level, summary judgment upheld on appeal.
- Represented a multi-billion-dollar health care information technology services firm in defense of pharmaceutical failure to warn claims based on patient education monographs.
- Represented Fortune 250 casual dining company and its franchisee in commercial lease dispute with local landlord, successfully avoiding summary judgment for the landlord by raising creative legal and equitable defenses, resulting in favorable settlement with markedly improved position for client.
- Represented large distributor for Fortune 100 food product company in defense of several personal injury claims filed by customers of retail stores, resulting in favorable outcomes including outright dismissals and minimal claim payments.
- Obtained summary judgment in favor of large distributor for Fortune 100 food product company who was sued for alleged unpaid freight charges by subcontractor carrier.
- Counsel for international resort in defense of personal injury claims, successfully obtained dismissal of claims for lack of personal jurisdiction over international client.
- Counsel for international fashion conglomerate in defense of claims for finders' fee commission under consulting agreement regarding acquisition of large high-end fashion brand; lead drafter of summary judgment and pre-trial motions, resulting in highly favorable settlement for client following pretrial conference.
- Lead counsel for marine aquaria live foods manufacturer and its owner/manager in dispute with former business associate over ownership of LLC and its intellectual property, resulting in highly successful settlement for client including protection against competition and use of intellectual property.
- Counsel for data center and colocation provider and its executives in dispute with shareholder and vendors, resulting in highly favorable settlement.
- Represented large industrial equipment supply client in New York City Asbestos Litigation, resulting in successful summary judgment in favor of client and dismissal of claims.
- Successfully obtained reversal of summary judgment on appeal on behalf of real estate investor in quiet title after tax sale, resulting in clear title to the asset.
- Lead trial counsel for commercial real estate owner in lease dispute with former tenant; obtained judgment for rent and damages totaling over \$200,000 after five-day jury trial.
- Lead counsel, successfully obtained summary judgment in favor of individual client in consulting fee contract dispute with former employer, including interest and attorneys' fees.
- Successfully obtained dismissal of large industrial equipment supply client in asbestos litigation in Rhode Island, on the basis of motion to dismiss for lack of personal jurisdiction and lack of legal successor liability.
- Represented multi-national nutrition medical device maker in defense of various claims by former salesperson for wrongful termination.
- Represented international pharmaceutical company in defense of mass tort claims for alleged failure to warn of risks of severe skin reactions from use of anti-convulsant medication.
- Represented large national communications technology services company against claims brought by former customer under Illinois Consumer Fraud Act, successfully obtaining dismissal of lawsuit by enforcement of forum selection clause in parties' contract, forcing extremely favorable resolution for client.

- Represented and counseled numerous businesses and individuals regarding claims under the Missouri Merchandising Practices Act and other state and federal consumer fraud laws.
- Defended debt collection clients from Fair Debt Collection and Fair Credit Reporting Act claims in state and federal courts.
- Successfully obtained dismissal of malicious prosecution claims filed against law firm and former clients.
- Represented condominium association in foreclosure action against unit owner for non-payment of assessments, property damage and breaches of condominium agreement, resulting in favorable settlement including transfer of title.
- Represented investors and individuals in title disputes following sales of residential property for unpaid real estate taxes.
- Represented large industrial REIT in litigation against multi-national chemical manufacturing tenant for property damage to leasehold premises, resulting in favorable settlement for client.
- Represented large international industrial materials supplier to enforce non-compete and non-solicitation agreement against former employee and competitor that had hired him away, resulting in very favorable settlement including enforcement of covenants.
- Represented pool equipment manufacturer in defense of product liability personal injury claims involving permanent paralysis, resulting in resolution of claims without liability for client.
- Represented national staffing agency and local affiliate in defense of claims by former client alleging breach of placement contract, resulting in favorable settlement.