

# Jay Eaton

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DES MOINES OFFICE

Jay Eaton was a member of the firm's [Litigation](#) practice area, practicing in complex commercial, environmental, and anti-trust litigation and class actions in federal and state courts. He has retired from the practice of law.

## RECOGNITION

### Martindale-Hubbell

AV Preeminent

### The Best Lawyers in America®

2010-2018

### Benchmark Leading Litigation Attorneys

2009-2015

## PROFESSIONAL & COMMUNITY AFFILIATIONS

### U.S. Army War College

National Security Seminar, 2009

### American Bar Association

House of Delegates, 2002-2006

### Iowa State Bar Association

- President, 1999-2000
- Board of Governors, 1992-2000
- Jury Instructions Committee, 1993-1998
- Federal Practice Committee, 2008-2014
- Litigation Section Council, 2012-2014
- Environmental and Natural Resources Law Section Council, 1994-1998
- Trade Regulation Section Council, 1990-1992
- Trade Regulation Committee, 1982-1987



## PRACTICE AREAS

- [Litigation](#)

## EDUCATION

- University of Iowa (B.B.A., Accounting; J.D., with distinction)

## BAR ADMISSIONS

- Iowa
- Ohio (inactive)
- Wisconsin (inactive)
- Southern District of Iowa
- Northern District of Iowa
- Eighth Circuit Court of Appeals
- United States Claims Court

## Iowa State Bar Foundation

Fellow

## Polk County Bar Association

- President, 1992-1993
- Board of Directors, 1989-1997

## SIGNIFICANT CASES

Following is a list of representative cases, alphabetically by type of claim:

**3M (Minnesota, Mining and Manufacturing Company), Paige Williams;** *All Iowa Vending, Inc. v. 3M*, No. LACV032291 (Iowa Dist. Ct.). Antitrust price fixing class action.

**Aventis, S.A., Aventis Animal Nutrition, S.A., Aventis Animal Nutrition, Inc., and Aventis CropScience USA;** *Farmers Coop. Elevator Co. v. Akzo Nobel, Inc.*, No. LACV 035453 (Iowa Dist. Ct.). Antitrust price fixing class action.

**Bayer Corporation;** *Anderson Contracting, Inc. v. Bayer AG*, No. CL95959 (Iowa Dist. Ct.). Antitrust price fixing class action.

**Tanabe Seiyaku Co., Ltd. and Tanabe U.S.A., Inc.;** *Farmers Coop. Elevator Co. v. Akzo Nobel, Inc.*, No. LACV 035453 (Iowa Dist. Ct.). Antitrust price fixing class action.

**Agriprocessors, Inc.;** *Salazar v. Agriprocessors, Inc.*, No. 2:07-cv-1006 (N.D. Iowa). Class and collective action under the Fair Labor Standards Act.

**Catholic Health Initiatives;** *Nebraska Heart Hospital, LLC v. The Weitz Co., LLC*, No. CI 09-2061 (Neb. Dist. Ct.). Complex construction disputes against general contractor and subcontractors.

**Giese Construction Company;** *Nuckoll's Concrete Servs., Inc. v. Giese*, No. LACV 305818 (Iowa Dist. Ct.). Complex sale and purchase of businesses, real estate and uncompleted construction contracts in progress.

**Giese Counstruction Company;** *Martin Marietta Aggregates of Iowa, Inc. v. Pedersen*, No. 16375-0697 (Iowa Dist. Ct.). Contracts, fraud and mining operations.

**Grinnell College;** *Advanced Techs. Corp. v. Grinnell Coll.*, No. LA 908 (Iowa Dist. Ct.). Complex construction disputes involving eight parties, including architect, construction manager, several general contractors and owner.

**City of West Des Moines;** *West Des Moines v. The Hanson Co.*, No. CL00083828 (Iowa Dist. Ct.). Construction and performance of fire station.

**AgriProcessors, Inc.;** *AgriProcessors, Inc. v. City of Postville*, No. LACV 023460 (Iowa Dist. Ct.). Contract rescission and violation of open meeting statute.

**Vincent Metals;** *Vincent Metals v. Curran V. Nielsen Co., Inc.*, No. 56161 (Iowa Dist. Ct.). Complex contract claims involving 18 parties regarding construction and failures of laser laboratory facility.

**Allied Mutual Insurance;** *Rieff v. Evans*, No. CE 35780 (Iowa Dist. Ct.). Special independent counsel for derivative class action claims involving misappropriations, fraud and breach of fiduciary duty.

**The Trane Co.;** Dealership and franchise disputes.

**AgriProcessors, Inc.;** *United States EPA v. AgriProcessors, Inc.*, No. 2:04-CV-01050-LRR (N.D.Iowa). Environmental enforcement action (CWA, CAA, EPCRA, RCRA and NRD claims).

**Citizens First National Bank;** *United States EPA v. Citizens First Nat'l Bank as Trustee*. Environmental enforcement action (Superfund).

**AgriProcessors, Inc.;** *City of Postville v. AgriProcessors, Inc.*, No. EQC023385 (Iowa Dist. Ct.). Environmental discharge (NPDES permit) claims.

**Amoco Oil Company;** *State of Iowa v. Amoco Oil Co.* (over 100 filed actions). UST environmental contamination cases; global settlement with Iowa.

**Chevron Corporation;** *State of Iowa v. Chevron Corp.* (over 30 filed actions). UST environmental contamination cases; global settlement with Iowa.

**Mooreville Pharmacy, LLC;** *Mooreville Pharmacy, LLC, et al. v. Medicap Pharmacies, Inc.*, No. 4-08- cv-195 (S.D. Iowa). Franchise and fraud claims.

**Salsbury Chemicals, Inc.;** *Quad City Mech., Inc. v. Salsbury Chems., Inc.*, No.

EQCV027046 (Iowa Dist. Ct.). Fraud and construction contract litigation.

**Grundy Mutual Insurance;** *State of Iowa v. Grundy Mutual Insurance*. Government investigation and enforcement proceeding.

**Marshalltown Company;** *Marshalltown Trowel Co. v. Walton Tool Co.*, No. 4-98-cv-90565 (S.D.Iowa); *Marshalltown Trowel Co. v. Wallboard Tool Co.*, No. 4-99-cv-90696 (S.D.Iowa). Intellectual property, patent and trademark infringement claims.

**Ideal Instruments, Inc.;** *Ideal Instruments, Inc. v. Rivard Instruments, Inc.*, No.3:05-cv-3079 (N.D.Iowa). Intellectual property, patent infringement.

**BP America, Inc.;** *City of Galva v. Amerada Hess Corp.*, No. 4:03-cv-90663 (S.D.Iowa). Products liability class action.

**Teledyne Continental Motors, Inc.;** *Crowley v. The New Piper Aircraft Corp. and Teledyne Cont'l Motors, Inc.*, No. LALA002464 (Iowa Dist. Ct.). Product warranty, tort and misrepresentation claims.

**Climax Molybdenum Co.;** *Boley v. Climax Molybdenum Co.*, No. 3-97-cv-80163 (S.D.Iowa). Tort and personal injury claims from toxic industrial smokestack emissions by 41 plaintiffs.

**Clear Lake Bank & Trust Co.;** *Clear Lake Bank & Trust Co. v. Olk* (Iowa Dist. Ct.). Professional liability (accounting malpractice), fraud and breach of loan contracts.

**Gaylor Engineering;** *Siouxland Energy & Livestock Coop. v. Gaylor*, No. CO2-4033MWB (N.D.Iowa). Professional liability (engineering malpractice) in design and construction management of ethanol plant.

**Stephen R. Grubb Construction, Inc.;** *Myers v. Top Drawer Dev., L.L.C.*, No. CL90134 (Iowa Dist. Ct.). Complex toxic mold, personal injury and contract claims involving 13 parties.

## SPEECHES & PUBLICATIONS

***Covenants Against Competition in Franchise Agreements***, Third Edition, ABA Forum on Franchising, 2012 (chapter author)