

# THORPESHWER



## Tom Ulreich-Power

**PARTNER**

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Tom practices in the areas of business disputes, commercial litigation, business and personal injury torts, and products liability. He is an accomplished attorney with over 20 years of broad-based experience handling complex commercial and tort litigation for national and local companies, individuals, professionals, and diverse industries, including environmental services, manufacturing, mining, transportation, and materials handling. Tom has been involved in administrative hearings and appeals, bench and jury trials, and arbitration and mediation in Arizona and other jurisdictions around the country.

Prior to joining Thorpe Shwer, Tom was a senior in-house attorney for Republic Services, Inc., a leading provider of recycling, solid waste and other environmental services. There he provided business, class action, and tort litigation management and general counsel support to multi-billion-dollar business units throughout the United States and Puerto Rico. He also supported the company's engineering and environmental compliance, revenue management, risk management, safety, and operations support teams. In these capacities, Tom regularly took an active role in the litigation, arbitration, trial and resolution of cases, claims, and notices of violation and enforcement.

Before going in-house, Tom was a Director at Fennemore Craig, one of the largest firms in the Southwest. There he developed a successful commercial and tort litigation and trial practice, including a specialty in products liability. During his time at Fennemore Craig, Tom served as Co-Chair of its Ediscovery Task Force.

## Related Practice Areas

- [Business and Commercial Litigation](#)
- [Franchise Disputes](#)
- [Tort Defense](#)
- [Business Torts](#)
- [Negligence](#)
- [Commercial Litigation](#)
- [Product Liability Claims](#)

## Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Arizona
- Arizona Supreme Court

## Representative Cases

- Defended companies in individual and putative class actions concerning fees charged to customers under various forms of contract, including obtaining denial of class certification in state and federal courts
- Defended companies against individual and putative class action odor-nuisance cases in state and federal

courts, including obtaining summary judgment dismissal of a class action complaint against a landfill in Texas on statute of limitations grounds (affirmed on appeal)

- Represented companies in tortious interference with contracts and business expectancies litigation in jurisdictions across the country, including winning dismissal and summary judgment of claims by a manufacturing vendor's executive who asserted that he was constructively discharged as a result of allegedly retaliatory conduct involving a product supply agreement (affirmed on appeal)
- Represented solid waste haulers as part of industry association-led litigation against the City of Dallas, Texas, enjoining as unconstitutional under the federal Contracts Clause, municipal ordinances designed to undo existing solid waste hauling franchise agreements in order to mandate the flow of all waste, recyclables and associated revenues to City-owned facilities
- Represented a Class 1 freight railroad in a wrongful death case relating to an incident at a crossing alleged to be within Native American territory, including obtaining federal injunctive relief against tribal court proceedings and succeeding on a motion to dismiss one of the wrongful death claims before resolving the remaining claims on favorable terms
- Resolved products liability claims involving a variety of products and manufacturers (e.g., child restraint seats, forklifts, haul trucks, tires, industrial lathes, electric servomotors, pharmaceuticals, steel fabrication)
- Successfully represented doctors alleging bad faith breach of a radiology services agreement
- Successfully represented a copper cable products manufacturer against fraud, breach of contract and bad faith claims relating to a supply agreement
- Represented and counseled numerous companies with respect to claims, disputes and litigation involving allegations of breach of contract and/or defense and indemnity obligations in myriad forms of agreement, including collection and hauling, construction, disposal, engineering, leases, long-term and temporary service, municipal services, product supply, purchase and sale, and vendor terms and conditions
- Counseled companies regarding claims, litigation and federal, state, and local regulatory interest and action with respect to per- and polyfluoroalkyl substances (PFAS)

## Education

- The University of Virginia School of Law, J.D.
  - Articles Review Board, *The Journal of Law & Politics*
- Georgetown University, B.S., *magnum cum laude*