



Ira T. Kasdan

Partner

ikasdan@kelleydrye.com

Washington, DC
(202) 342-8400

About

Ira Kasdan is a seasoned and accomplished business litigator who understands that his clients are not in the litigation business.

Recognizing that protracted disputes are sometimes unavoidable but almost always disruptive and distracting, Ira seeks resolutions designed to achieve his clients' goals or protect their interests as economically and expeditiously as possible. As a savvy negotiator or formidable advocate, he focuses squarely on tailoring his approach to each client's needs and objectives.

In his diverse practice, Ira has leveraged his extensive experience to represent corporations and individuals in a wide range of matters, including complex breach of contract claims, large class actions, and fraud, misrepresentation, and related tort claims.

He has handled disputes involving telecommunications law, real property and zoning issues, non-competition contract clauses, theft of high-tech trade secrets, wrongful termination, internal investigations, and allegations of false advertising.

Ira's creativity and persuasiveness have led to success in precedent-setting litigation, obtaining favorable results when such outcomes seemed unlikely.

Not only is Ira's practice diverse, but it is also nationwide.

In 2019, he filed an amicus curiae brief in the United States Supreme Court for a coalition of eight clients, including trade organizations and associations, in a case dealing with the scope of Freedom of Information Act (FOIA) Exemption 4. In 2022, he filed two more amicus curiae briefs in the Supreme Court separately dealing with two Constitutional issues: the "dormant commerce clause" and "judicial takings" under the Fifth Amendment.

In a class action brought in federal District Court in Ohio, Ira won class certification and summary judgment against the Social Security Administration (SSA) for a class consisting of more than 129,000 members. As a result, more than 71,000 class members were awarded over \$107,500,000 in underpayments going back to 2002. The Section 406(b) fee award granted by the district court in that case was upheld by the Sixth Circuit in 2022.

Several years before, Ira successfully brought a class action lawsuit in federal court in the District of

Columbia against SSA, recouping more than \$7 million dollars for deserving retirees. In that matter, Ira and his team obtained the first, precedent-setting decision granting Section 406(b) attorney's fees in class actions brought under the Social Security Act.

In addition to his business litigation work, Ira is a leading practitioner in the increasingly contentious area of animal law litigation. Ira has litigated claims arising under the Endangered Species Act, Marine Mammal Protection Act, and Animal Welfare Act. He has also defended clients involved in various other animal law-related issues dealing with state trapping statutes and regulations and Freedom of Information Act (FOIA) requests made by animal rights groups' claims.

In 2022, Ira won the reversal of separate adverse decisions by a federal agency and a state agency for an exhibitor of animals.

In 2021, he obtained dismissal for a client, on grounds of lack of personal jurisdiction, in a case brought by PETA under the D.C. Consumer Protection and Procedures Act. Some of his other cases have involved authoring amicus briefs opposing animal activist groups, including one filed in the New York Court of Appeals helping to defeat the Nonhuman Rights Project's claim to have animals be treated as "persons" for purposes of habeas corpus.

A consummate team player, Ira is known for acute attention to detail, well-honed analytical skills, responsiveness to clients, and an innate ability to synthesize and streamline large amounts of information into easily understood, fact-based, and effective positions. Ira understands his clients' business goals and the results they need to remain competitive and not bogged down in wasteful litigation.

Experience

Select Reported Decisions

Steigerwald v. Commissioner of Social Security, 48 F.4th 632 (6th Cir. 2022)

Steigerwald v. Saul, 2020 WL 6485107 (N.D. Ohio 2020)

Steigerwald v. Berryhill, 357 F.Supp.3d 653 (N.D. Ohio 2019)

Steigerwald v. Commissioner of Social Security, 326 F.R.D. 469 (N.D. Ohio 2018)

Herron v. Fannie Mae, 292 F. Supp. 3d 421, 2018 WL 1036358 (D.D.C. 2018)

Steigerwald v. Commissioner of Social Security, 2018 WL 454400 (N.D. Ohio 2018)

Herron v. Fannie Mae, 861 F.3d 160 (D.C. Cir. 2017)

Herron v. Fannie Mae, 2016 WL 1177918 (D.D.C. 2016)

WildEarth Guardians v. Kirkpatrick, 2015 WL 5923608 (D.N.M. 2015)

Greenberg v. Colvin, 2015 WL 4078042 (D.D.C. 2015)

Greenberg v. Colvin, 63 F.Supp.3d 37 (D.D.C. 2014)

Sears, Roebuck and Co. v. Riggs Distler & Co., Inc., 2013 WL 4780062 (D. Md. 2013)

WildEarth Guardians v. Lane, 2012 WL 6019306 (D.N.M. 2012)

Tilikum ex rel. People for the Ethical Treatment of Animals, Inc. v. Sea World Parks & Entertainment, Inc., 842 F. Supp. 2d 1259 (S.D. Cal. 2012)

Sears, Roebuck and Co. v. Riggs Distler & Co., Inc., 2012 WL 1391838 (D. Md. 2012)

SecureInfo Corp. v. Telos Corp., 387 F. Supp. 2d 593 (E.D.Va. 2005)

Live Entertainment, Inc. v. Digex, Inc., 300 F. Supp. 2d 1273 (S.D.Fla. 2003)

Verizon Maryland Inc. v. RCN Telecom Services, 232 F. Supp. 2d 539 (D.Md. 2002)

Animal Protection Institute v. Mosbacher, 799 F. Supp. 173 (D.D.C. 1992)

Smith v. Chamber of Commerce of United States, 645 F. Supp. 604 (D.D.C. 1986)

Representative Matters

Lead attorney in a class action against the Social Security Administration in which more than 71,000 class members were awarded over \$107 million in past-due benefits, and Class Counsel (Kelley Drye was appointed co-Class Counsel) was awarded 15% of Section 406(b) fees.

Lead counsel in case brought by PETA under D.C. Consumer Protection and Procedures Act; dismissal granted for lack of personal jurisdiction.

Lead attorney in successfully defending Fannie Mae and executives against claims brought by an alleged whistleblower; the court awarded all defendants summary judgment on all counts against them for wrongful termination, tortious interference with business expectancies and conspiracy. In a reported decision which included an issue of first impression in the D.C. Circuit relating to certain “copying” costs, the Court also granted costs to Fannie Mae against plaintiff.

Lead attorney in a class action suit against the Social Security Administration in which Kelley Drye was appointed class counsel, and the Federal District Court for the District of Columbia awarded attorneys’ fees under Section 406(b) of the Social Security Act in a precedent-setting decision.

Lead attorney in obtaining a dismissal with prejudice and entry of a summary judgment against WildEarth Guardians in defending State of New Mexico officials against allegations that they violated the Endangered Species Act by failing to ban all trapping in areas where Mexican gray wolves were found. The court granted our motion and awarded attorney’s fees for New Mexico against WildEarth Guardians.

Lead attorney in obtaining a dismissal of a complaint brought in federal court claiming that animals have standing to bring lawsuits and have rights under the Thirteenth Amendment of the Constitution.

Lead attorney in obtaining a summary judgment in federal court on behalf of a telecommunications client against a plaintiff who, as it turned out, was a fugitive from the law and had sued for breach of contract and fraud.

Lead counsel in defending a telecommunications firm and principals in a putative class action brought in federal district court under the Telephone Protection Consumer Protection Act; won a dismissal on the grounds of a lack of jurisdiction.

Lead counsel in defending a company in the advertising field against a class action brought in state

court; convinced the plaintiff's counsel that the case was unsupported and not certifiable as a class action; the case settled for a nominal amount without the client having to file an answer.

Lead co-counsel in a class action case brought against a storage company in state court; the case settled without the plaintiff obtaining class certification after the court made favorable discovery rulings in favor of our client.

Lead attorney in obtaining a favorable, mediated settlement in a case brought in federal court against a mortgagee to recover a prepayment penalty fee.

Lead attorney in persuading a federal agency to reverse a decision to release proprietary and private information of a trade association and individuals in a "reverse-FOIA" case, and instead voluntarily remanded the case from federal court to the agency for further administrative review and consideration.

Lead attorney in obtaining an early, favorable mediated settlement after filing suit in federal court for a high level executive who had been improperly denied severance pay and benefits by a former employer.

Lead attorney in defending a small, high-tech start-up company against charges that it stole trade secrets, forcing the plaintiff, a subsidiary of an AMEX-listed company, to dismiss the lawsuit and pay partial legal fees.

Defended a software company in arbitration involving three parties and alleging breach of contract and related claims; our aggressive litigation stance resulted in a dismissal of all claims against the client with no liability.

Lead attorney in defending a former bank CEO, who departed the bank after its takeover, against breach of contract and related charges resulting in the bank's agreement to make all severance payments due under the CEO's contract, plus attorneys' fees.

Negotiated numerous, favorable settlement agreements on behalf of telecommunications companies who had been denied their access service fee payments.

Lead attorney in three related actions involving federal and state securities law, fraud, RICO and breach of contract claims resulting in favorable recoveries for a client against a Wall Street brokerage firm and accountants.

Lead attorney in winning a summary judgment on behalf of a large independent oil company in a multimillion-dollar lawsuit brought in federal court by a major U.S. refiner.

Lead attorney in a petition filed before the U.S. Court of Appeals for the Third Circuit challenging proposed OSHA regulations; obtained a stay and ultimately, on the strength of the arguments in the Court of Appeals petition, OSHA withdrew the proposed regulations.

Lead attorney for a NYSE-listed company in a multi-party FERC "market power" proceeding; obtained an Administrative Law Judge opinion that was favorable to the client.

Served as a member of a team of lawyers with a pivotal drafting and research role in connection with a \$70 million international arbitration award to a NYSE-listed telecommunications client in the 1980s.

Honors

Recognized as a leading attorney in the Business Litigation practice area by Washington D.C. *Super Lawyers*, 2012-2014 and 2019-2020.

Martindale-Hubbell "AV" Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability.

Affiliations

American Bar Association

Maryland State Bar Association

Related Services

Amicus

Animals

Commercial Litigation

Consumer Class Action Defense

Land Use

Litigation

Waterways

Education

Georgetown University Law Center, J.D., 1979

- cum laude
- Georgetown Law Journal, editor

Yeshiva University, B.A., 1975

- magna cum laude
- Graduate/undergraduate student publication, editor-in-chief

Admissions

District of Columbia, 1979

Maryland, 1980

Courts

U.S. Supreme Court

U.S. Court of Appeals–Third Circuit

U.S. Court of Appeals–Fourth Circuit

U.S. Court of Appeals–Sixth Circuit

U.S. Court of Appeals–Tenth Circuit

U.S. Court of Appeals–District of Columbia

U.S. District Court–District of Columbia

U.S. District Court–District of Maryland

District of Columbia Court of Appeals

Court of Appeals of Maryland

Languages

Hebrew