

## Irina N. Kashcheyeva

### Partner

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Irina N. Kashcheyeva is a partner with Foley & Lardner LLP and a member of the Firm's Consumer Law, Finance and Class Action Working Group. Irina has litigated and counseled clients on various aspects of the Telephone Consumer Protection Act (TCPA), the Fair Credit Reporting Act (FCRA), the Fair Debt Collection Practices Act (FDCPA) and Regulation F, claims arising under the FTC Holder Rule, and various state consumer protection and the Unfair, Deceptive or Abusive Acts or Practices (UDAAP) statutes. She also regularly represents companies in the healthcare sector, including pharmacies and pharmacy benefit managers, in breach of contract, fraud, trade secrets and antitrust matters. Her experience includes first-chairing arbitration hearings and court trials, preparing successful dispositive motions, opposing class certification motions, and the full gamut of discovery motion practice.

Prior to going into private practice, Irina served as a clerk to two federal judges, at the district court and court of appeals levels.

## Representative Experience

### Statutory Consumer Protection and Class Action Defense

- Routinely represents clients in class action and single-plaintiff cases under the TCPA, the FCRA, the FDCPA, UDAAP, and other federal and state consumer protection statutes and regulations
- Obtained dismissal of a putative TCPA class action against a marketing company at a motion to dismiss stage by challenging the allegations of agency and vicarious liability
- Represented a Fortune 50 pharmacy in one of the largest TCPA class actions in the country; obtained voluntary dismissal of the case with prejudice on the eve of the hearing on plaintiffs' motion for class certification and defendant's motion for summary judgment

### Healthcare Litigation

- Represented a pharmacy benefit manager in a significant breach of contract and business torts case asserted by a health plan, including first-chair experience during a lengthy arbitration proceeding
- Successfully represented several pharmacy benefit managers against claims asserted by pharmacies and health plans asserting breach of contract, violations of antitrust laws, and other claims related to drug reimbursement rates
- Successfully represented pharmacy benefit managers in claims related to pharmacy audits and terminations
- Successfully represented a specialty pharmacy in administrative litigation proceeding arising out of a Medicaid audit, and obtained dismissal of the matter
- Represented a large healthcare client in a significant multi-party litigation related to allegations of breach of contract, tortious interference with contractual relationship and theft of trade secrets

### **General Commercial Litigation**

- Successfully represented an automotive supplier in a significant breach of contract and trade secret misappropriation arbitration before the Singapore International Arbitration Centre, and obtained confirmation and enforcement of the award in the United States
- Obtained dismissal of breach of contract claims against the insurer following a trial; experience as second chair at trial
- Litigated and obtained a successful outcome in a case brought by a former sales agent alleging violation of sales commissions statute
- Obtained dismissal of two different False Claims Act cases against a defense industry client on a motion to dismiss under Fed. R. Civ. P. 9(b)
- Obtained affirmance of a decision granting summary judgment in a breach of warranty action against a tier-one automotive supplier from the U.S. Court of Appeals for the Sixth Circuit
- Represented investors of a broker dealer in FINRA arbitrations involving claims of control person liability, successor liability, and veil-piercing theories—cases resolved favorably for client following several successful arbitration proceedings
- Obtained dismissal of a TCPA claim against a student lender following motion to dismiss based on insufficient allegations concerning the use of the automatic telephone dialing system (ATDS)
- Obtained dismissal of a putative class action asserting constitutional Section 1983 claims against a government subcontractor following motion to dismiss practice
- Successfully defended a financial services company in a series of consumer arbitrations under the FTC Holder Rule arising out of closure of for-profit schools, including first-chair experience in approximately 40 such arbitrations

- Obtained dismissal of several identity theft allegations against financial services companies following motion practice or pre-response engagement with opposing counsel
- Regularly counsels clients in financial services, marketing, healthcare and retail sectors on compliance with the TCPA, Do-Not-Call regulations, the Florida Telemarketing Act, the FDCPA and Regulation F, the FCRA, and other consumer protection laws and regulations

## **Presentations and Publications**

- Co-author, "Sixth Circuit Holds Non-Expert Evidence Need Not Be Admissible to Support Class Certification, but Approves Stringent Claim Process That Aids Defendants," *Foley Consumer Defense Counsel Blog* (April 22, 2021)
- Co-author, "The D.C. Circuit Significantly Limits the Reach of the TCPA Statute, but Issues Still Remain," *Foley Consumer Defense Counsel Blog* (March 19, 2018)
- Co-author, "Companies Outside Retail and Financial Industries May Have Additional Arguments to Challenge Standing in Data Breach Cases," *Foley Consumer Defense Counsel Blog* (December 4, 2017)
- Co-author, "The Supreme Court Hears Case Regarding Private Enforcement of the Medicaid Act Against States," *Foley Consumer Defense Counsel Blog* (January 16, 2015)
- Co-author, "Risk & Strategies with Contracts of Indefinite Duration," *Michigan Business Law Journal* (Fall 2012)
- Author, "Reaching a Compromise: How to Save Michigan Ex-Offenders from Unemployment & Michigan Employers from Negligent Hiring Liability," *Michigan State Law Review*, Vol. 2007:1051

## **Clerkships**

Prior to joining Foley & Lardner LLP, Irina served as a law clerk to the Honorable Kermit E. Bye, United States Court of Appeals for the Eighth Circuit, and the Honorable David M. Lawson, United States District Court for the Eastern District of Michigan. She also served as a judicial intern to the Honorable David McKeague, United States Court of Appeals for the Sixth Circuit.

## **Languages**

Irina is fluent in Russian.

## **Sectors**

- [Health Care & Life Sciences](#)
- [Health Tech & Genomics](#)
- [Innovative Technology](#)
- [Medical Devices](#)
- [Pharmaceuticals](#)
- [Providers of Health Care Services](#)

## **Practice Areas**

- [Commercial Litigation](#)
- [Consumer Law, Finance & Class Action Group](#)
- [Litigation](#)

## Education

- Michigan State University College of Law (J.D., summa cum laude)
  - Dean Charles H. King Scholar
  - Comments Editor, *Michigan State Law Review*
  - Associate Editor, *Michigan State Law Journal of Gender Law*
- University of Tomsk, Russia (B.A. & M.A., with highest distinction)

## Admissions

- Michigan