STITES & HARBISON PLLC



Zachary Losey (Zac)

Title: Attorney

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Zac Losey is an attorney in the firm's Covington office where he is a member of the Business Litigation Service Group. His practice focuses on representing people and companies in complex and high-stakes commercial disputes, including lawsuits involving breach of contract, unlawful business interference, non-compete agreements and other restrictive covenants, breach of fiduciary duty, trade secrets, fraud, and defamation.

His experience includes significant early stage victories in federal district court, obtaining temporary restraining orders to enforce non-compete agreements and prevent misappropriation of confidential information, and obtaining a $1.4 million jury verdict as assistant trial counsel in a case involving civil conspiracy and real estate fraud. Zac also has appellate experience in state and federal courts, including successfully defending an appeal in the Sixth Circuit that led to a published decision setting favorable precedent for the client.

Zac uses his experience to help clients successfully navigate commercial disagreements as efficiently and effectively as possible, so they can get back to focusing on their businesses: from dog trainers and solo startup entrepreneurs, to large and mid-size companies in a broad array of industries.

CAPABILITIES

Practice Areas

- Business Litigation
- Litigation & Appeals
- Employment Litigation

RECENT ASSIGNMENTS

- Obtained $1.4 million jury verdict as assistant trial counsel for a small business that asserted fraud and civil conspiracy claims stemming from a real estate transaction.
- Obtained temporary restraining order enforcing non-compete and non-solicitation restrictive covenants against client's former employees and prohibiting misappropriation of client's trade secrets and confidential information.
- Obtained affirmance of federal district court's denial of a preliminary injunction. Fischer v. Thomas, 78 F.4th 864 (6th Cir. 2023).
- Obtained dismissal of lawsuit asserting fraud and breach of fiduciary duty claims against national bank client.
- Defeated motion to dismiss temporary staffing industry client's tortious interference claim against subcontractor.
- Represented national moving company in lawsuit asserting fraud and breach of contract claims related to items allegedly damaged during plaintiff's move.
- Represented manufacturer of stone-cutting machinery in complex, high-stakes dispute asserting tortious interference claims and defending misappropriation of trade secrets claims.
- Counsel to worldwide flavor and fragrance manufacturer in federal products liability litigation involving complex personal jurisdiction and venue issues.
- Represented craft brewery in lawsuit defending against breach of contract claim asserted by one of the brewery's suppliers.
- Represented building components manufacturer in lawsuit arising from lease dispute with company's former landlord.
- Represented buyer of a business and his company in lawsuit involving claims of underpaid royalties by the company's former owner and claims against the former owner for misrepresentations made during negotiations for sale of the company.
- Represented individual in multi-defendant regulatory enforcement action brought by Kentucky Energy and Environment Cabinet related to ownership and upkeep of a high hazard dam.
- Counsel to utility company appealing Public Service Commission's denial of expense adjustment in the company's application for a base rate increase.

BAR ADMISSIONS

- Kentucky

- U.S. Court of Appeals for the 6th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Northern District of Illinois

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- FTC Noncompete Rule Struck Down Nationwide
  ,with Shannon Antle Hamilton and Robin E. McGuffin Stites & Harbison Client Alert, August 22, 2024
- Courts Now Split on Enforceability of FTC Noncompete Rule
  ,with Shannon Antle Hamilton and Robin E. McGuffin Stites & Harbison Client Alert, August 2, 2024
- FTC Issues Final Rule Banning Non-Compete Agreements; Legal Challenges Have Already Begun
  ,with Robin E. McGuffin Stites & Harbison Client Alert, April 25, 2024
- Stites & Harbison Welcomes Five Attorneys to Kentucky and Georgia Offices
  Attorney At Law Magazine, November 28, 2022 *,with Bailey M. Browning, Evan W. Elam and Ana I. England*

MEMBERSHIPS

- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association

EDUCATION

- University of Kentucky Rosenberg College of Law J.D., *magna cum laude* 2021
- Georgetown College B.S., Biology with minor in Religion, *cum laude* 2014

MORE THAN STITES & HARBISON

Zac joined the firm after serving as a law clerk to Hon. Karen K. Caldwell, United States District Court for the Eastern District of Kentucky and Chair of the Judicial Panel on Multidistrict Litigation. While in law school, he assisted Professor Jonathan Shaub with research for a law review article on executive privilege published in the *Duke Law Journal* and Professor Joshua Douglas with an election law article published in the *American University Law Review*. Prior to law school, Zac was the legislative aide to

Lexington City Councilmember Kathy Plomin, where he worked on an array of issues, including land use and zoning. Before that, he was as a brewer at Country Boy Brewing in Lexington, Kentucky, where he also assisted with legislative initiatives for the alcoholic beverage industry in the Kentucky General Assembly. Outside of the office, Zac loves to spend time kayaking, hiking, playing softball, and working on his Ford Bronco.