STITES & HARBISON PLLC



Zachary M. VanVactor

Title: Member

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Zack VanVactor is an attorney in the firm's Louisville and Jeffersonville offices. He is a member of the Business Litigation Service Group.

CAPABILITIES

Practice Areas

- Litigation & Appeals
- Business Litigation
- Class Action, Mass Action & Multi-District Litigation
- Professional Liability Litigation
- Financial Services Litigation
- Product Liability Litigation
- Pharmaceuticals & Medical Devices Litigation
- Aviation
- Intellectual Property Litigation
- Telecommunications, Technology & Internet Law
- Arbitration, Mediation & Alternative Dispute Resolution
- Employment Litigation
- Real Estate & Land Use Litigation

RECENT ASSIGNMENTS

- Successfully defended multiple related appeals before the Tenth Circuit Court of Appeals on behalf of a number of domestic and foreign-based financial institutions.
- Obtained dismissal of complaint asserting various claims, including residential mortgage fraud, slander of title, and civil conspiracy, in Warren Circuit Court, Kentucky, on behalf of over a dozen lenders, loan servicers, and related parties.
- Secured significant monetary judgment on behalf of property owner in Taylor County, Kentucky, for hotel operator’s breach of commercial lease agreement.
- Won complete dismissal in the District of Colorado of various claims against multiple national and multinational financial institutions, including claims for alleged violations of the Colorado Consumer Protection Act, invasion of privacy, defamation, and violations of the FDCPA, and subsequently obtained significant fee award following dismissal.
- Appeared on behalf of Indiana commercial property owner and successfully obtained special exemption and other relief from the local board of zoning appeals.
- Successfully prosecuted claims for breach of contract and negligence on behalf of property owner in Jefferson County, Kentucky, resulting a sizeable monetary judgment against general contractor for the full amount of damages sought.
- Successfully defeated efforts to certify a collective action under the Fair Labor Standards Act in litigation in the Eastern District of Kentucky.
- Secured dismissal of Fair Credit Reporting Act claims against lender in Georgia.
- Won complete defense verdict in bench trial in Clark County, Indiana, on claims for breach of service contract.
- Successfully obtained summary judgment in Pike County, Kentucky, on breach of fiduciary duty, civil conspiracy, and other claims against national lender, and thereafter successfully defended that judgment on appeal before the Kentucky Court of Appeals and the Kentucky Supreme Court.
- Won summary judgment on behalf of regional airline in Boone County, Kentucky.
- Secured dismissal of class action claims filed in federal court against portable building manufacturer.
- Won monetary judgment for full amount of damages sought for unpaid home improvement costs in bench trial in Jefferson County, Indiana.
- Secured dismissal of Fair Credit Reporting Act claims against financing company in the Western District of Kentucky.
- Won complete dismissal of claims against two multinational pharmaceutical companies asserting theories of strict products liability, defective design, failure to warn, and negligence in the Western District of Kentucky.

- Defeated the plaintiff's request for injunctive relief and obtained dismissal of complaint alleging breach of contract and tortious interference against multinational alcoholic beverage distributor in federal court action.
- Secured dismissal of claims for age and race discrimination filed with the Illinois Department of Human Rights against trucking and logistics company.
- Obtained dismissal of arbitration claims alleging breach of contract and violations of the Kentucky Consumer Protection Act on behalf of large regional bank.
- Served as co-lead trial counsel and successfully obtained complete defense verdict on behalf of an aviation company in Valparaiso, Indiana.
- Served as co-lead trial counsel in defense of Kentucky Consumer Protection Act and other claims in Louisville, Kentucky, which resulted in favorable jury verdict awarding only 1.5% of the plaintiff’s requested damages.
- Defeated attempt by a Canadian corporation to domesticate an invalid Nova Scotia judgment in Jefferson County, Kentucky, which was subsequently affirmed in a published decision by the Kentucky Court of Appeals.
- Obtained complete dismissal of claims for breach of contract and alleged violations of the FDCPA in Jefferson County, Kentucky, on behalf of national loan servicer.
- Won dismissal of claims before the Indiana Civil Rights Commission asserting discrimination and Fair Housing Act claims against a multifamily property owner.
- Successfully obtained dismissal of third-party tortious interference and breach of contract claims in the Western District of Kentucky on behalf of large regional banking institution.
- Prosecuted claims on behalf of multifamily property owner resulting in a judgment awarding the full amount sought for damage to the owner’s apartment complex.
- Obtained dismissal of claims including trademark infringement, tortious interference, and alleged violations of the Defend Trade Secrets Act and the Kentucky Uniform Trade Secrets Act in both the Western District of Kentucky and the District of South Dakota on behalf of companies specializing in providing technology platforms and custodial services for cryptocurrencies.
- Successfully defended multiple actions for injunctive relief against a small business owner in Floyd County, Indiana.
- Won dismissal of administrative appeal filed in the Western District of Kentucky on behalf of regional airport authority.
- Prevailed in appeal before the Kentucky Court of Appeals and Kentucky Supreme Court in enforcing a settlement agreement on behalf of a national banking institution.
- Won summary judgment on claims of breach of good faith and fair dealing and violations of RESPA and TILA in three separate, related cases in Jessamine Circuit Court, Kentucky, on behalf of loan servicer.

- Successfully defended appeal before the Sixth Circuit Court of Appeals on behalf of regional airport authority.
- Appeared on behalf of physician before the Indiana Board of Medical Licensure and secured reinstatement of physician’s medical license.
- Successfully defended administrative appeal before the Indiana Court of Appeals and Indiana Supreme Court on behalf of a local zoning board.
- Won appeal before the Sixth Circuit Court of Appeals affirming summary judgment on fraud claims asserted against large regional banking institution.
- Obtained dismissal of Kentucky Consumer Protection Act, fraud, conversion, intentional infliction of emotional distress, and tortious interference claims in the Eastern District of Kentucky on behalf of national loan servicer.
- Prevailed in defense of fair housing discrimination claims brought against property owner before the Kentucky Commission on Human Rights.
- Won dismissal of tortious interference claims against regional bank in the Western District of Kentucky.
- Successfully defended appeal before the Indiana Court of Appeals on behalf of national mortgage loan servicer.
- Obtained dismissal of breach of contract, fraud, intentional infliction of emotional distress, and unjust enrichment claims against lender in the Eastern District of Kentucky.
- Successfully resolved appeal before the Ninth Circuit Court of Appeals arising under the Class Action Fairness Act on behalf of pharmaceutical distributor.
- Obtained dismissal of breach of fiduciary duty and abuse of process claims filed against out-of-state attorney on grounds of lack of personal jurisdiction.
- Successfully argued for and obtained judgment in favor of national mortgage servicer on counterclaims for abuse of process and breach of good faith and fair dealing filed by borrowers in foreclosure action in Grayson County, Kentucky.
- Obtained dismissal of counterclaims for fraud and civil conspiracy in St. Joseph County, Indiana.
- Successfully obtained judgment at bench trial on behalf of national mortgage servicer sued for violations of the Fair Credit Reporting Act in Morgan County, Indiana.
- Obtained dismissal of breach of contract, breach of good faith and fair dealing, and negligent misrepresentation claims asserted against regional banking institution by commercial borrowers in federal court.
- Obtained dismissal of federal action against state bar association in which the plaintiff asserted claims under 42 U.S.C. § 1983 as well as constitutional challenges to the state's attorney-discipline system.

BAR ADMISSIONS

- Indiana
- Kentucky
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. Court of Appeals for the 9th Circuit
- U.S. Court of Appeals for the 10th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Western District of Tennessee
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the District of Colorado
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Northern District of Ohio

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Fraud: Kentucky
  Practical Law Commerce Litigation State Q&A, August 7, 2025 *,with Michael E. Kleinert and Chadwick A. McTighe*
- Equitable Remedies for Contract Actions: Kentucky
  Practical Law Commercial Litigation State Q&A, Thomson Reuters, May 2025 *,with Michael E. Kleinert and Chadwick A. McTighe*
- Breach of Contract Defenses: Kentucky
  Practical Law State Q&A, Thomson Reuters, December 2024 *,with Michael E. Kleinert and Chadwick A. McTighe*
- Contract Basics for Litigators: Kentucky
  Practical Law State Q&A, Thomas Reuters, December 2024 *,with Michael E. Kleinert and Chadwick A. McTighe*
- Tortious Interference: Kentucky

Practical Law State Q&A, Thomas Reuters, August 2024 *,with Michael E. Kleinert and Chadwick A. McTighe*

- Pleading the Fifth in Federal Civil Litigation in Kentucky: The Key Distinctions that Exist Between the Application of State Versus Federal Substantive Law

  Bar Briefs, Louisville Bar Association, May 2024

- Diversity Disclosures Under Amended Rule 7.1: What Federal Court Practitioners Need to Know

  Bar Briefs, Louisville Bar Association, May 2023

- The New Rules of Appellate Procedure are Here: What Kentucky Appellate Practitioners Need to Know

  Bench & Bar Magazine, Kentucky Bar Association, March/April 2023 *,with Bethany A. Breetz*

- Breach of Fiduciary Duty: Kentucky

  Practical Law, Thomson Reuters, November 2021 *,with Michael E. Kleinert and Chadwick A. McTighe*

- Reformulating Form Contracts: Choice of Law & Venue Selection Provisions

  In the House!, The Newsletter of the Kentucky Bar Association's Corporate House Counsel Section, Dec. 1, 2021

- The Louisiana Direct-Action Statute Loses Its Teeth: How the Fifth Circuit in Todd v. Streamship Mutual Underwriting Association Opened the Door to Allow Insurers to Enforce Arbitration Agreements Against the Direct-Action Plaintiff

  Note, 35 *Tul. Mar. L.J.* 659 (2011)

- Three's a Crowd: The Unhappy Interplay Among the New York Convention, FAA, and McCarran-Ferguson Act

  Comment, 36 *Tul. Mar. L.J.* 313 (2012) [*Cited by McBride v. Estis Well Serv., L.L.C.*, 768 F.3d 382, 403 (5th Cir. 2014) (en banc) (Haynes, J., concurring)]

FIRM LEADERSHIP

- Louisville Office Recruiting Committee, Member

MEMBERSHIPS

- American Bar Association, Member
- Kentucky Bar Association, Member
- Louisville Bar Association, Member
- Indiana Bar Association, Member

COMMUNITY INVOLVEMENT

- Kentucky Bar Association, Communications & Publications Committee (2012-present)
- Kentucky Bar Association, Young Lawyers Division Executive Committee, At-Large Representative (2019-20)
- Louisville Bar Association Leadership Academy Planning Committee (2024)
- Louisville Bar Association, Federal Practice Section, Co-Chair (2023)
- Louisville Bar Association Leadership Academy (2016)
- Leadership Kentucky: ELEVATE Kentucky (2018)

EDUCATION

- Tulane University Law School J.D., Certificate in International and Comparative Law *magna cum laude* 2012
- University of Kentucky B.A., Economics with Departmental Honors, B.A., Political Science

MORE THAN STITES & HARBISON

Before joining Stites & Harbison, Zack served for two years as a Law Clerk for the Honorable Thomas B. Russell, U.S. District Judge for the Western District of Kentucky. Prior to his clerkship, Zack served as a judicial intern to the Honorable Jennifer B. Coffman, U.S. District Judge for the Eastern & Western Districts of Kentucky. While attending law school at Tulane University, Zack worked as an admissions counselor for a charter high school in New Orleans, assisting high school seniors with all aspects of the college admissions process.

ACCOLADES

- *Best Lawyers in America*®, Product Liability Litigation - Defendants and Commercial Litigation (2022-27)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year for Product Liability Litigation - Defendants (2024)
- *Best Lawyers in America*®, Ones To Watch, Litigation - Banking & Finance (2021)
- *Kentucky Super Lawyers*®, Rising Star (2017-22)