

Shay P. Talbitzer

Associate

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As an attorney, Shay Powell Talbitzer is a member of Fraser Stryker's litigation team, with a focus on assisting companies with complex business and commercial litigation matters.

In addition, she counsels clients on matters including trust and estate litigation, products liability, professional negligence, personal injury, and intellectual property. A former collegiate athlete and Academic All-American, Shay brings a natural competitive spirit and relentless energy to her litigation practice.

Shay cares deeply about assisting clients in achieving their personal, professional, and business goals. As an advocate, Shay is very responsive to her clients' needs and concerns and aims to build a relationship of mutual trust and respect. She collaborates with her clients to creatively resolve complex cases through careful preparation and proactive, strategic decision-making.

Since the start of her career, Shay has been intimately involved in several successful litigation cases:

- Assisted the trial team in obtaining \$14.5 million dollar verdict in favor of builder client in products liability action in Denver County, Colorado against a major manufacturer and timberland company.
- Successfully resolved a six-figure attorney-fee dispute case in Harris County, Texas involving malpractice and breach of fiduciary duty claims.

Legal Services

Trust & Estate Litigation

Intellectual Property & Technology

Litigation

Professional Negligence
Defense

Personal Injury/Wrongful Death

Products Liability

Who I Serve

Energy & Natural Resources

Insurance & Financial Services

Professional Service Providers

Construction

Retail & Consumer Products

Admissions

Nebraska

Colorado

Texas

U.S. District Court for the
District of Nebraska

U.S. District Court for the
District of Colorado

U.S. District Court for the
Western District of Texas



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- First-chaired bench trial in Collin County, Texas defeating plaintiff's attorney's fees claim at summary judgment and ultimately achieving a take-nothing judgment and an award of court costs in a highly contentious recruiter commission dispute.
- Obtained favorable resolution for a bank client in a nuanced area of regulatory law managing the case from start to finish and achieving a favorable result before the Public Utility Commission of Texas.
- Successfully disposed of multiple complex business cases for client-defendants through early dispositive motion practice.

Shay earned her Juris Doctor from Baylor University and received her undergraduate degree in Psychology, with a minor in Sociology from the University of Nebraska-Lincoln. Outside of the office, Shay enjoys spending time with her husband and two children, playing soccer, exploring the outdoors, and meeting new people.

Experience

Labor and Employment Litigation

- Defended employers in various industries against employment discrimination claims, including but not limited to claims for wrongful termination and retaliation.
- Prosecuted and defended employers and employees in various covenants not to compete and restrictive covenant matters.
- Represented companies in various employment law disputes, including disputes involving the Employee Retirement Income Security Act (ERISA) and the Fair Labor Standards Act (FLSA)

Construction Litigation

- Represented builders and purchasers in residential construction defect cases arising under Texas' Residential Construction Liability Act (RCLA) and Texas' Deceptive Trade Practices-Consumer Protection Act (DTPA).
- Represented developers, builders, and contractors regarding various issues arising from commercial construction projects.

U.S. District Court for the Northern District of Texas

U.S. District Court for the Eastern District of Texas

Western District of Texas Bankruptcy Court

Northern District of Texas Bankruptcy Court

Education

J.D., Baylor Law School, 2014

B.A., Psychology with minor in Sociology, high distinction, University of Nebraska - Lincoln, 2010

Clerkships

Judicial Intern, Judge Martin Hoffman, 68th Judicial District Court in Dallas County - Dallas, Texas



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- Resolved ownership and title issues arising out of various commercial and residential purchase and sale transactions.

Regulatory Litigation

- Defended a Texas regional bank in a regulatory proceeding before the Public Utility Commission (PUC) of Texas, where a utility provider sought to bisect the bank's real property with a 138-kilovolt (kV) transmission line.

Consumer Litigation

- Defended financial institutions and consumer financial service providers in Fair Credit Reporting Act (FCRA) and Fair Debt Collection Practices Act (FDCPA) cases.
- Represented manufacturers, sellers, and service providers in cases brought under the Colorado and Texas deceptive trade practices acts.
- Guided consumer services company through an investigation by the Colorado Attorney General's Consumer Protection Division.

Landlord and Tenant Disputes

- Won contested default judgment in favor of the Landlord in the amount of \$600,000.
- Defended landlords in landlord/tenant disputes and various accessibility complaints filed under the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA).

Honors & Awards

- Selected to the 2023 Great Plains Super Lawyers® Rising Stars list
- ESPN CoSIDA Academic All-American
- UNL Women's Soccer Student-Athlete and Four-Year Letter Winner
- Former semi-professional soccer player for Boston Renegades, Ottawa Fury, and Fort Collins Force



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Professional Associations

- Nebraska Alumni Association
- Baylor Law Alumni Association

Community Involvement

- Volunteer – Colorado Federal Pro Se Legal Clinic
- Business and Associate Editor – *Baylor Law Review*
- Order of the Barristers
- Phi Beta Kappa – Alpha Chapter