

Colin Đặng Delaney

Partner | Atlanta

Colin Đặng Delaney is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP.

Mr. Delaney's practice focuses on complex litigation, matters that require development of deliberate start-to-finish strategies, use of procedural devices to advance objectives, and presentation of arguments in compelling written form. Mr. Delaney has applied these skills in settings as diverse as class actions, international arbitration, and appeals. While his experience covers a range of businesses, Mr. Delaney has gained the most extensive industry-specific experience with aviation-related litigation supporting the firm's Global Transport Practice.

Prior to joining the Firm, Mr. Delaney served as judicial law clerk to the Honorable Danny J. Boggs of the 6th Circuit U.S. Court of Appeals in Louisville, Kentucky.

Mr. Delaney received his B.A., cum laude, from Tufts University in 1997, with concentrations in History, Classics, and Political Science. In 2000, he earned his Doctor of Jurisprudence from Vanderbilt University Law School. Mr. Delaney was a member and Notes Editor of the Vanderbilt Law Review, which published his note, "The Graduation Prayer Cases: Coercion by Any Other Name", 52 VAND.L.REV. 1783 (1999). He was elected to Order of the Coif upon graduation. In January 2000, he organized "Same-Sex Marriage: A Panel Discussion," which featured constitutional law scholars from Vanderbilt and Yale Law Schools, where panelists aired ideas that ultimately became the basis of the United States Supreme Court's landmark ruling in *Obergefell v. Hodges* fifteen years later.

Mr. Delaney is a proud member of the Stonewall Bar Association of Atlanta. He is admitted to practice before Georgia state and federal courts, as well as the Second, Sixth, and Eleventh Circuits of the U.S. Court of Appeals.



Contact Information

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Areas of Practice

Litigation/Trial Practice

Franchise and Distribution Law

Appellate

Arbitration

Bar Admissions

Georgia

Current active matters:

- Defense of a county government in a class action by taxpayers challenging methods of property assessment for tax purposes
- Defense of a county government in a class action by taxpayers challenging the handling of property tax appeal procedures
- Defense of principals and an off-shore fund in a class action by foreign investors alleging fraud and breach of fiduciary duty
- Representation of a land trust in two class actions by investors alleging fraud relating to their investments in companies that donated conservation easements to the land trust
- Representation of a foreign manufacturer in multiple lawsuits against minority shareholder in a joint venture distributing company
- Representation of shareholders in litigation over control of a franchising business
- Representation of a foreign pension fund in judgment-enforcement litigation against assets in Georgia
- Ongoing advice to commercial aircraft lessors on various dispute-resolution matters

Mr. Delaney's prior representative matters and successes include the following:

- Defense of a foreign manufacturer and U.S. distributor in a product liability class action
- Defense of principals and an off-shore fund in a class action by foreign investors alleging fraud and breach of fiduciary duty
- Representation of a medical practice on appeal from \$45 million verdict in a medical malpractice case involving pleading issues and the statutes of limitations and repose
- Representation of a hospital on appeal from decision on pleading and limitations issues
- Representation of the buyers of a logistics company in a matters involving breaches of representations and warranties in a contract to sell the business
- Ongoing advice to commercial aircraft lessors on various dispute-resolution matters
- Representation of the City of Atlanta on appeal in the Georgia Supreme Court in a mass action involving the Fifth Runway at Hartsfield-Jackson International Airport
- Defense of a foreign manufacturer and U.S. distributor in a product liability class action
- Representation of a medical practice on appeal from a jury verdict for \$28 million in a malpractice case
- Defense of a global staffing company in an employment class action

- Defense of a consumer finance company in a first-of-its-kind class action alleging violations of RICO and federal law governing certain lending practices
- Lead counsel defending sellers of a staffing company on claims for breach of representations and warranties regarding the condition of the business
- Representation of a plaintiff on appeal from dismissal of claims against the Georgia Department of Transportation and summary judgment for contractors on claims arising from a fatal highway accident
- Lead counsel securing entry of restraining orders and charging orders against judgment-debtor's interests in scores of LLC's and partnerships in \$13 million judgment-collection case for former partners of nationally known real estate developer; recovery of over \$100,000 in attorney's fees
- Lead counsel obtaining summary order by Second Circuit U.S. Court of Appeals affirming \$13 million judgment in dispute over redevelopment of Sacramento Railyards; recovery of entire judgment amount with interest
- Lead Georgia counsel obtaining summary judgment for internationally famous family entertainment business in contract and related disputes with major online booking service
- Representation of a private-equity-backed special purpose entity in an international arbitration arising from a contract to purchase hundreds of millions of dollars of industrial equipment
- Favorable arbitration award for German manufacturer of sinks in \$30 million joint venture and contract dispute with major U.S. manufacturer
- Representation of a medical practice on appeal from \$45 million verdict in a medical malpractice case involving pleading issues and the statutes of limitations and repose
- Representation of the buyers of a logistics company in a matters involving breaches of representations and warranties in a contract to sell the business
- Summary judgment, affirmed on appeal, for guarantor in a \$3.5 million commercial real-estate dispute
- Summary judgment, affirmed on appeal, for former hospital owner in \$1.5 million dispute over asset purchase agreement, followed by recovery of over \$500,000 in attorney's fees
- Defense of former executives of office-supply company against \$8 million fraud claims by leading supplier of office products
- Recovery for airline of nearly \$10 million in maintenance reserves from lessor
- Defense of airline in \$7 million dispute with lessor over a failed engine
- Summary judgment for successfully reorganizing airline disputing \$30 million in claims filed by two major lessors

- Initiating lawsuit and TRO against storage facility, leading to prompt release of aircraft to foreign buyer and favorable settlement
- Representation of low-cost carrier in dispute with lessor over terminated lease and refund of money owed to airline
- Advice to multiple lessors and an airline in various return condition disputes
- Representation of low-cost carrier in lease dispute with airport authority
- Advice to seller of aircraft on rescission of \$7 million contract for alterations to passenger aircraft for return to commercial service with foreign carrier
- Defense of energy-consulting startup in bet-the-company trade-secrets and employee-raiding case brought by manufacturing conglomerate
- TRO leading to settlement for hedge fund investor in treasure-hunting outfit
- Judgment-collection and appeal proceedings for creditor of mortgage company, including appointment of a receiver of a publicly traded holding company
- Summary judgment for lender in commercial-financing dispute and favorable arbitration award denying lender-liability claims
- Summary judgment for design and dental-supply firm in \$1.5 million contract dispute with supplier
- Representation of toy maker in a breach-of-contract arbitration with manufacturer and logistics-provider
- Dismissal of fraud and related claims against restaurant franchisors
- Summary judgment on breach-of-contract counts for hotel franchisor, rejecting claims by franchisees in \$30 million franchising fraud case
- Pre-litigation representation of merchant-services company avoiding state efforts to impose regulatory orders
- Pre-litigation representation of German acquirer of steel-manufacturing business to resolve disputes with seller under asset purchase agreement