



## David D. Ayliffe

Of Counsel

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David Ayliffe is located in the Firm's Knoxville office and is a member of the Logistics, Energy, and Manufacturing Group.

David concentrates his practice on energy and environmental litigation, including utility and environmental matters involving the APA/NEPA, Clean Water Act, and Clean Air Act as well as state environmental statutes and regulations. He has represented clients before the Federal Energy Regulatory Commission in cases involving the Federal Power Act and the Natural Gas Act. In addition to energy and environmental litigation, David has extensive experience litigating matters in a variety of areas and industries, such as commercial/business litigation, personal injury and wrongful death, admiralty, eminent domain, construction, and labor and employment.

David effectively represents clients at both the trial and appellate levels. He has handled several arbitration matters and has served as lead trial counsel in multiple state and federal bench and jury trials. At the appellate level, David has handled cases in the Fourth, Fifth, Sixth, Eleventh, D.C., and Federal Circuits, as well as before the United States Supreme Court.

Prior to joining Baker Donelson, David served for 20 years as in-house counsel at a large utility company where he was responsible for directing all litigation activities and leading teams in federal trial and appellate matters. In this role, he achieved favorable results avoiding liability in excess of \$1 billion and recoveries in excess of \$20 million.



### Representative Matters

- Successfully defended a federally-owned utility in a landmark Clean Water Act case, culminating in a critical appellate victory at the Sixth Circuit.
- Obtained summary judgment for a major public utility in federal court against claims that its environmental review for a natural gas turbine project failed to adequately address climate impacts and mitigation alternatives.
- Provided defense of a federal agency in the Sixth and D.C. Circuits in permitting challenges brought by environmental groups related to natural gas pipeline project.
- Successfully defended major public utility in federal court against environmental and statutory challenges to a long-term power supply agreement, culminating in a summary judgment victory that preserved the client's contractual authority and dismissed claims seeking declaratory and injunctive relief.
- Successfully defended a major public utility in breach of contract case involving the failed sale of a partially completed nuclear plant, culminating in a complete trial victory for the client.
- Led defense of a federally owned utility in a constitutional and statutory challenge to its rate-setting authority, resulting in a favorable trial court decision that was affirmed by the Fourth Circuit on appeal.
- Represented a large electric utility company in several proposed class actions and numerous multiparty and individual toxic tort/environmental actions in federal court.
- Successfully represented government defendants in an admiralty tort case involving alleged regulatory failures and obstructions in navigable waters.

- Successfully defended a government-owned utility in numerous eminent domain proceedings across Georgia, Kentucky, Mississippi, and Tennessee, including multiple favorable trial verdicts (jury and bench) as well as a significant favorable decision from the Sixth Circuit.
- Successfully defended numerous challenges to federal agency disclosures under the Freedom of Information Act.
- Obtained complete dismissal of employment discrimination claims in several federal court cases against a federally owned utility.
- Successfully defended a federal agency in a personnel dispute under the Veterans Employment Opportunities Act and Uniformed Services Employment and Reemployment Rights Act, including a favorable decision on appeal from the Federal Circuit.
- Successfully defended a Clean Air Act construction permit in a high-profile administrative appeal before a local air pollution control board, securing dismissal of the challenge and allowing an AI data center project to proceed.



## Professional Honors & Activities

- Member – Knoxville Bar Association
- Member – Federalist Society, Knoxville Lawyers Chapter
- Board Member – Knoxville Symphony Orchestra (2019 – 2024)
- Leadership Knoxville Flagship Program (2019)
- Leadership and Management for Accelerated Performance Program (LMAP), Vanderbilt University, Owen Graduate School of Management (2012)



## Military Service

- United States Marine Corps (1997 – 2003)



## Publications

- "Seven County Infrastructure Coal. v. Eagle Cnty., Colo. – Supreme Court's "Course Correction" on NEPA Already Steering Decisions in Infrastructure Development Cases" (July 2025)
- "Winning Just Might Be Everything And The Only Thing, Supreme Court to Decide If Obtaining a Preliminary Injunction Satisfies the 'Prevailing Party' Standard for Attorney's Fees Eligibility in Civil Rights Cases," *The Journal of the Knoxville Bar Association* (December 2024)
- Co-author – "Legal Update, SCOTUS Review and Preview," *DICTA: The Journal of the Knoxville Bar Association* (September 2024)
- "2016 Gatlinburg Wildfire Litigation, Government's Bid for Discretionary Function Immunity Remains Viable Despite Sixth Circuit Setback," *The Journal of the Knoxville Bar Association* (November 2023)
- Comment – "*Tennessee v. Carter*: The Strict Requirement of Notice Under Tennessee's Recidivist Sentencing Statutes," 35 *University of Memphis Law Review* 145 (2004)



## Education

- University of Memphis, J.D., 2005, magna cum laude
  - *University of Memphis Law Review*, Senior Notes and Comments Editor
- University of Tennessee, B.A., 2002, magna cum laude
- Philipps-Universität, Marburg, Germany (German Language & Literature)



## Admissions

- Tennessee, 2005
- U.S. Supreme Court
- U.S. Court of Appeals for the D.C. Circuit

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Eastern District of Tennessee
- U.S. District Court for the Middle District of Tennessee
- U.S. District Court for the Western District of Tennessee