

**ASSOCIATE GENERAL COUNSEL / LITIGATION MANAGER**

Tenacious First Chair business and commercial litigation attorney at state and federal levels with excellent analytical and investigative skills. Successfully resolved complex claims and legal challenges in both private and corporate environments. Acquired significant experience in civil, appeals and arbitrations, case management, staff development and office administration. Negotiated contracts, transactions and settlements in all types of cases for private companies and individuals.



Extensive experience in insurance defense arena as well as handling diverse litigation and trial matters for **Time Warner Cable**. Particular focus on addressing litigation issues relating to E-discovery and electronically stored information (ESI), including preservation of ESI and conducting discovery in compliance with state and federal requirements relating to ESI. As private attorney, managed and grew successful solo practice. Can contribute immediately in corporate or law firm environments by:

- ☐ Quickly assimilating and litigating new substantive areas of law
- ☐ Leading successful investigation and resolution of complex, high-value claims
- ☐ Communicating effectively, both orally and in writing, in litigious and non-litigious settings
- ☐ Gaining cooperation and consensus among all stakeholders
- ☐ Cultivating and maintaining client relationships

**Education:** Juris Doctor (with Honors), The Ohio State University, Moritz College of Law, and Bachelor of Journalism (Magna Cum Laude), The Ohio State University.

**EXPERTISE**

Case Management / Insurance Law / Commercial & Civil Litigation / Corporate Law / Intellectual Property Law / ESI Complex Legal Writing / Personal Injury / Property Damage / Wrongful Death / Settlements / Contracts / Negotiations / Administration / Arbitration / Mediation / Employment Law / Discrimination / Compliance / Administrative Law /

**EXPERIENCE****Solo Practitioner - Litigation/Attorney**

T.C. Miller Law, Jan 2019 - Present

Manage civil disputes and insurance coverage issues, including breach of contract, disputes with contractors, personal property damage, domestic and probate matters, child custody, trusts, wills, disability benefits, unemployment benefits, settlement negotiations, living wills, specialized powers of attorney, document and contract reviews, incorporation documents, and general legal consultations. *Selected Accomplishments:*

- **Insurance Law knowledge yields quick payment of client's total demand.** Dogs of neighbor of agricultural client who had herd of goats housed in barn and pasture attacked and killed three client's adult breeding goats. Client sought compensation for value of replacement goats which included time, effort and expense that had been put into making these goats established breeders, and vet bills. Advised dog owner that they were covered by homeowner insurance. Within just a few week's time, the insurance company cut client a check for the full amount demanded.
- **Settled child custody dispute, gaining amenable custody schedule and no child support.** Client's ex-girlfriend was living with him with his biological daughter and non-biological son. Girlfriend suddenly walked out with the kids. Filed suit seeking joint custody of daughter. Successfully convinced defendant and the court that there was no cause for payment of any child support and minimal amount as to shared medical costs because children were already covered by girlfriend's Medicaid. Obtained desired custody schedule and was able to get client back with his daughter in time for the holidays.

**Attorney/Senior Litigator**

Bailey Cavalieri LLC, July 2005 - Dec 2017

Trial attorney for large and medium businesses, business people, insurance coverage and insurance defense, employment and labor disputes--all manners of civil litigation subject matter. Extensive experience with Time Warner Cable (TWC) litigation matters provided necessary understanding of technical aspects of telecommunications industry, engineering, and cable

business. Handled a broad scope of cases for TWC: auto accidents; personal injury; property damage; wrongful death; quick injunctive relief; small claims cases involving customer service disputes.

Managed all aspects of litigation independently from beginning to finish. First chaired both bench and jury trials; was placed in charge of overseeing evolving issues with electronic discovery and challenges of ESI on behalf of the Litigation Department. Go-to person for understanding use of various electronic court filing systems in Ohio courts and federal court. Co-counseled cases with other law firms. Some experience handling regulatory hearings and government civil matters. Assisted with issues arising in connection with litigation support software and cloud-based systems. Worked with experts and vendors in furtherance of litigation efforts. Occasional review and editing of contracts and other documents generated outside litigation department. Go-to person throughout the firm assisting with understanding practical application and requirements of rules of civil procedure. Handled writing of appellate briefs and oral arguments on appeal. *Selected Accomplishments:*

- **Directed diverse legal team in multi \$M defense against copyright/trademark infringement.** Ohio client had legal interests in Florida and three insurance companies with potential coverage obligations. Asked by client to take lead in defense effort and coordinate efforts with its Florida corporate counsel, insurance defense counsel as assigned, NY litigation counsel and new Ohio in-house counsel. Assigned as lead litigation attorney for approximately 2/3 of the case. Put together an extensive outline and overview of various aspects of the case, developing a consistent claim-by-claim analysis. Quickly brought new team members up to speed. Assumed lead in coordinating team understanding of responsibilities.
- **Won several parts of Summary Judgment motion in complex copyright/trademark infringement case.** Ohio client had disputes with three of largest textbook publishers in the world alleging distribution of counterfeit books and trademark infringement. Claims of infringement related to 118 titles and fraud claims. Motion for partial summary judgment was granted entirely in client's favor by Magistrate Judge, but then it was overturned in part by District Court Judge. This was surprising as in most courts it is quite unusual for a judge to reverse his magistrate's decision. After SJ phase, NYC litigation firm took over lead for purposes of trial.
- **Led complicated year-long settlement negotiations.** Copyright and trademark infringement case in SDNY involved multi M\$ claims against client. As lead counsel, managed discovery and summary judgment phases, which also encapsulated a protracted period of settlement. Faced with unpredictable verdict, swinging in either direction with a wide berth for amount of potential damages with both sides taking big risks. Drafted long and minutia detailed settlement document and multiple revisions during year-long negotiation battle. Participated in three mediations, client to client discussions, attorney to attorney discussions, and daily discussions among ourselves.
- **Negotiated settlement of defective construction/wrongful insurance denial case.** Client was owner of large residential apartment complex which sustained significant damage to roofs on several buildings. Client's insurer denied coverage for cost of entire roof replacement on basis of improper installation and alleging shingles on roof could be patched up, but there were no longer any shingles available to match original shingles. Case was contract and expert witness intensive. Deposed expert and insurance company witnesses regarding underwriting of policy covering roof damage and extent to which coverage was required when color matching could not occur with patchwork fixes. Just prior to trial, client agreed to settle for good sum to defray entire cost of roof replacement and some of his legal costs.
- **Won three TRO/enforcement of non-compete suits for chain store client.** Groomers of client pet supply supermarket chain had executed noncompete agreements restricting them, following termination, from performing grooming services for a period of 1 year within ten-mile radius of store. On three different occasions, client had ex-grooming employees either quit or get fired who then immediately went and set up their own grooming services at nearby locations. Drafted verified complaints for preliminary and permanent injunction, affidavits to verify the complaint, motions for TRO, proposed orders for TRO, and process server papers. In all instances, obtained TRO against each Defendant. As a further result of these successes, client went on to engage us to "tighten up" their standard noncompete agreement to be signed by future employees, to help get rid of various loopholes that might make it subject to attack.
- **Won breach of non-compete dispute between small businesses.** Client was sued with allegations that his new business was violating a non-competition clause in contracts connected to a buyout of his minority ownership in another company and breach of fiduciary duty. Managed all aspects of case. Successfully defeated plaintiff's motion for TRO attempting to stop client from operating his new business. Successfully demonstrated client's business activities were not within parameters/limits of covenant to not compete. Also successfully defended against allegations that client was improperly stealing certain of Plaintiffs' clientele in violation of buy-out contract. Proposed, designed and obtained stipulated injunction that client would be enjoined from doing exactly what non-compete prohibited.

- **Gained favorable outcome for client in zoning/re-zoning dispute.** Client owned two pieces of property, one already occupied as commercial by and other property was zoned for a particular type of residential use which had attempted to have it rezoned so it could expand its operations to second location. Client had been granted the zoning authority but several local residents grouped together and attempted to enjoin client from pursuing its intended facility on the property. This case involved much studying of local zoning codes and analysis of Ohio zoning precedent. Ultimately won all cases and all that remained was a quite frivolous appeal that lingered without decision for a very long time. Helped client negotiate a very low-cost settlement to make it finally go away and was pleased with the outcome.
- **Negotiated settlement mitigating client exposure.** Engaged by insurance client to defend against coverage claim for injuries incurred in auto accident. Managed document intensive discovery with medical records and consultation with medical experts to help interpret significant of certain items in medicals. Written settlement negotiations began early on. Based on analysis of deposition testimony and personal gauge of Plaintiff's attitude, sincerity, ability to generate sympathy, along with what the medical records and investigation showed, advised client that this was a sympathetic and convincing Plaintiff and there was a low likelihood of successful defense at trial. Client decided to pursue a private mediation, at which we were able to reach a very fair settlement and cut ongoing legal costs toward a probable loser case.

#### **Attorney/Litigator**

Arter & Hadden LLP, Jun 1999 - Jul 2005

After obtaining license to practice, handled research, writing, and discovery needs for civil litigation matters (varied subject matters); managed various insurance coverage and insurance defense matters; monitored trials on behalf of insurance clients and reported on same to assist with assessment of coverage decisions; second chaired at trials; took and defended some depositions; assisted other attorneys in firm with computer-related challenges; second chaired meditations and arbitrations; assisted with employment and labor disputes, including litigation; first-chairing hearing under collective bargaining agreement and experience assisting with drafting and negotiating language of bargaining agreement. *Selected Accomplishments:*

- **Gained extensive experience working with insurance claims.** Throughout career, was often called upon as either defense counsel to an insured or to defend a coverage action. These generally included personal injury claims, ERISA coverage, malpractice coverage, accidental death and dismemberment, and commercial property coverage. Worked with claim handlers, underwriters, and insurance company management to provide defense under their policies or to help them avoid paying undue coverage. On a regular basis, would be in contact with claims personnel and management level personnel at insurance companies for purposes of reviewing claim files, analyzing, making discovery and expert witness decisions, and settlement negotiations. Insurance companies each have their own specific structure for litigation handling and as outside counsel, it's important to know how to work cooperatively, fulfill their protocols, and follow their expectations while also giving them sound advice.

**Extern,** United States District Court, Southern District of Ohio -Judge Algenon L. Marbley. Was a one-year part-time externship in connection with law school.

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#### **PROFESSIONAL AND PERSONAL**

##### **Affiliations and Civic Involvement:**

- Columbus Bar Association
- Ohio State Bar Association
- Friends of WOSU Public Media, Board of Directors, (past Secretary/Treasurer)
- The Ohio State University Alumni Advisory Council
- Center of Science and Industry (COSI) Community Board

##### **Professional Recognition:**

- Super Lawyers Rising Star, 2006, 2007, 2012 & 2013
- Kroll Ontrack E-Discovery Certification, 2008
- Public Service Fellow, The Ohio State University Moritz College of Law
- CALI Excellence Awards for Appellate Advocacy and Legal Writing

##### **Bar Admissions:**

- United States Court of Appeals, Sixth Circuit, 2001
- United States District Court, Southern District of Ohio, 2001
- United States District Court, Northern District of Ohio, 2005
- United States District Court, Eastern District of Michigan, 2013
- Ohio, 2000