



# JUSTIN S. GREENFELDER

## PARTNER

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### CANTON

4277 Munson Street NW Canton,  
OH 44718

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### PRACTICE AREAS

- Brand Protection Team
  - Health & Medicine
  - High Stakes Litigation
  - Insurance Recovery & Litigation
  - Intellectual Property
  - Litigation
  - Probate, Trust & Estate Litigation
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### EDUCATION

- The University of Akron School of Law (J.D., IP certificate program, *cum laude*, 2004)
  - Denison University (B.A., 2001)
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### ADMISSIONS

- Ohio (2004)
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Sixth Circuit

### OVERVIEW

I am a trial lawyer with a focus on complex civil litigation. I represent businesses from *Fortune 500* companies to local start-ups on matters involving non-competes, contract disputes, insurance coverage disputes, patents, trade secrets, trademarks, trade dress, copyrights and other intellectual property disputes. Additionally, my background in the sciences enables me to successfully litigate matters on behalf of healthcare providers where science, medicine and the law converge.

I believe that clients are best served by a lawyer who takes the time to generate creative resolutions, both in and out of the courtroom, and has the experience to win trials when necessary. My experience in the courtroom allows me to guide my clients through complex disputes in a way that lessens the ambiguity of litigation and offers them a sense of assurance.

My ability to formulate and execute legal strategies, in consultation with my clients, allows us to obtain positive results. I know how hard clients have worked to create and grow their businesses, and so I will work just as hard to protect yours.

### AWARDS & HONORS

- *The Best Lawyers in America*®
- Ohio Super Lawyers® – Rising Stars™

### PROFESSIONAL & CIVIC INVOLVEMENT

- Meyers Lake Village, Ohio, Council President, Member Planning Commission
- Shelter Cove Association, Inc., President
- The Wilderness Center, Wilmot, Ohio, Board of Directors, Executive Committee
- Jackson Friends Church, Elder
- Defense Research Institute
- Denison University “Varsity D” Society
- Canton Central Catholic High School Basketball Coach (2017-2022, 2024-present)

### Past Affiliations

- Head Boys Basketball Coach, Dalton High School (2022-2024) – voted



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- Pro-hac-vice admissions in federal courts in New York, California, Florida, Missouri, Alabama, South Carolina and Nevada

coach of the year in WCAL, OHSBCA District 4, and Northeast Inland District in 2023

- Jackson High School Mock Trial Team, Legal Advisor (2004-2022)
- Jackson Youth Basketball Association, Board of Directors, Member and Coach (2005-2010)
- Jackson High School Baseball Coach (2000-2004)
- Glen Oak High School Basketball Coach (2010-2012)
- Doylestown Chippewa High School Basketball Coach (2014-2017)
- AAU Youth Basketball Coach

## EXPERIENCE

- Focuses on complex business and commercial litigation
- Counsels clients on insurance coverage and recovery issues for first-party and third-party claims
- Represents clients in civil litigation in federal and state courts, including unfair competition, false advertising, non-compete, trade secret litigation; patent, copyright, trademark and trade dress litigation; medical malpractice defense; products liability defense; defense of civil rights cases against jail medical providers; residential and commercial property and title disputes; commercial landlord/tenant disputes; and complex probate matters, including will and trust contests, guardianships, and breach of fiduciary duty issues
- Serves as an appellate practitioner and has advocated on behalf of clients in nearly every appellate court in Ohio and in Sixth Circuit Court of Appeals
- Joined the firm as an associate in 2004; was elected partner in 2012

## SIGNIFICANT CASES

- Admiral Insurance Co. v. Fire-Dex, LLC — represents manufacturer of fire protection gear and obtained dismissal of insurance coverage action for lack of jurisdiction, 2022 WL 16552973 (N.D. Ohio). Affirmed by Sixth Circuit Court of Appeals, 2023 WL 3963623 (6th Cir.). Upon re-filing, obtained order granting partial remand to state court on abstention grounds, 2024 WL 3744573 (N.D. Ohio).
- Kennedy v. Western Reserve Senior Care – obtained directed verdict for physician based on expiration of medical statute of repose. Affirmed on appeal, 207 N.E.3d 143, 2023-Ohio-264 (11th Dist.). Argued before Ohio Supreme Court, decision reversed on constitutional grounds, 177 Ohio St.3d 403 (2024).



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- *Horseman v. Mercy Health-Lorain Hospital*, 2024-Ohio-1518 (9th Dist.) – obtained reversal of jury verdict against physician based on improper exclusion of expert impeachment evidence.
- *Zoar View Wilkshire, LLC v. Wilkshire Golf, Inc.*, 2023-Ohio-2848 (5th Dist.) – obtained dismissal of action alleging breach of asset purchase agreement. Affirmed in-part on appeal. Case dismissed.
- *Colfor Mfg., Inc. v. Macrodyne Tech., Inc.*, 668 F.Supp.3d 718 (N.D. Ohio 2023) – represented operator of truck axle manufacturer in products liability action arising out of catastrophic fire at its plant.
- *We Project, Inc. v. Relavistic*, N.D. Ohio No 1:20-cv-2873-JG  
Represented international communications company in complex dispute with its former officers. Key decisions: 2021 WL 1664057, 2021 WL 1195972, 2021 WL 1664057.
- *Rock House Fitness Inc. v. Hines*, 167 N.E. 3d 499, 2021 -Ohio-245 (11th District) — represented Ohio Dept. of Health in action challenging Covid-19 restrictions.
- *Fisher v. Ahmed*, 153 N.E. 3d 612, 2020-Ohio-1196 (9th Dist.) — obtained dismissal of defamation complaint against county prosecutor; affirmed in-part on appeal.
- *Goggans v. Tallman*, 2018WL 4305215 (N.D. Ohio Sept. 10. 2018) — obtained dismissal of complaint by inmate against jail medical providers on 1983 claim.
- [FirstMerit Bank, N.A. v. Akron Gen. Med. Ctr.](#), 5<sup>th</sup> Dist. Stark No. 2017CA00134, 2018-Ohio-2689 (July 9, 2018) – obtaining judgment for non-profit organization in dispute over trust funds directed to former Massillon Community Hospital, applying cy pres doctrine.
- *Bolson Materials International, Inc. v. 3D Systems Corporation*, 2017 WL 4169644 (N.D. Ohio, Sept. 20, 2017) – obtained summary judgment for 3D printing filament manufacturer on customer’s claims related to alleged breach of non-compete agreement. Also obtained summary judgment for clients on counterclaim for breach of contract. Reversed in-part and affirmed in-part by 6th Circuit Court of Appeals.
- [Eigel v. Utility Pipeline, Ltd.](#), Case No. 5:17-cv-0328 (N.D. Ohio, July 28, 2017) – obtained preliminary injunction for minority shareholder to prevent former employer and majority shareholders from withholding over \$6,000,000 due to client following employer’s merger on condition that minority shareholder agree to post-closing restrictive covenants.
- *Evans v. Frantz*, 2017 WL 2345601 (N.D. Ohio, Apr. 25, 2017) – obtained dismissal of complaint by inmate against jail medical providers on claims under 8<sup>th</sup> and 14<sup>th</sup> Amendment for deliberate indifference to medical needs.



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- Polar Products, Inc. v. Techniche International, Case No. 5:15-cv-02608, 2016 WL 5118338 (N.D. Ohio, Sept. 20, 2016) – obtained dismissal of complaint for trademark infringement for lack of personal jurisdiction.
- Croston v. Massillon Chiropractic Clinic, 5<sup>th</sup> Dist. Stark No. 2014CA00108, 2015-Ohio-25 – involving a plaintiff’s obligation to produce medical records in a medical malpractice case.
- Van Meter v. County of Hancock, 2014 WL 7174365 (N.D. Ohio, Dec. 8, 2014) – obtained summary judgment on constitutional claims by inmate against jail medical providers for deliberate indifference to medical needs.
- Allstate Property and Cas. Ins. Co. v. Mercury Plastics, 2014 WL 4635608 (D.Nev., Sept. 12, 2014) – obtained exclusion of plaintiff’s expert witness in complex products liability case representing manufacturer of components of water heater.
- Farmer v. Scioto County Bd. Of Commissioners, 2014 WL 3734334 (S.D. Ohio, July 29, 2014) – obtained dismissal of complaint by inmate against jail medical providers and county sheriff on claims for constitutional violations and medical negligence.
- Bailey v. Manor Care of Mayfield Hts., 4 N.E.3d 1071, 2013-Ohio-4927 (8<sup>th</sup> Dist.) – involving privilege of nursing home incident reports.
- Kirshner v. Fannie Mae, 969 N.E.2d 340, 2012-Ohio-286 (6<sup>th</sup> Dist.) – obtained summary judgment in lien priority dispute involving judgment creditor’s attempt to levy upon debtor’s equitable interest in property.
- One West Bank, FSB v. Miller, 5<sup>th</sup> Dist. Holmes No. 11CA013, 2011-Ohio-6467 – obtained summary judgment in lien priority dispute based on application of equitable estoppel doctrine.
- Georgopoulos v. Humility of Mary Health Partners, 195 Ohio App.3d 133, 958 N.E.2d 1268, 2011-Ohio-3123 (11<sup>th</sup> Dist.) – obtained summary judgment for hospital on physician’s claims of antitrust and unfair competition relating to peer review action.
- AultCare Corp. v. Roach, 5<sup>th</sup> Dist. Stark No. 2008CA00287, 2009-Ohio-6186 – member of litigation team that obtained summary judgment and permanent injunction against former broker in action for breach of contract and defamation.
- Rinderle v. Whispering Pines Health Care Center, 12<sup>th</sup> Dist. Fayette No. CA2007-12-041, 2008-Ohio-4168 – obtained affirmance of judgment granting nursing home’s motion to stay proceedings and enforce arbitration agreement.



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- Ponder v. Kamienski, 9<sup>th</sup> Dist. Summit No. 23270, 2007-Ohio-5035 – obtained jury verdict for cardiovascular surgeon following two-week jury trial which was affirmed on appeal. Also obtained sanctions against plaintiff for frivolous conduct for failure to dismiss assistant surgeon despite lack of evidence supporting claim of malpractice.

## MEDIA

### Presentations:

- “Is Your Company at Risk for a Cyber Attack,” Breakfast with Buckingham (2018)
- “Cyberinsurance and Utilizing Counsel to Protect Your Confidential Information,” Breakfast with Buckingham (2016)
- Legal Concerns for Coaches, Wooster Community Hospital – (2010-11, 2015-18)
- “Avoiding Fraud in Business Transactions,” Stark County Bar Association (2013)
- “How to Wrongfully Compete and Steal Trade Secrets: A Primer,” Stark County Bar Association (2011)
- “Legislative Update,” Tri-County Restaurant Association (2007)

### Publications:

- [Should You Seek Recovery for Covid-19 Loss From Your Insurance Company?](#) (May 28, 2020)
- [CYBERSECURITY AND DATA BREACHES: YOU MUST TAKE STEPS NOW TO AVOID PERSONAL AND COMPANY LOSS](#) (February 22, 2019)
- “The Medical Records War: What Does it Mean for Your Practice?” *MD News* (2016)
- “Fraud Detection and Prevention: What it Means for Your Practice,” *MD News* (2015)
- Contributor: “Is EP Liable if Patent Fails to Disclose Substance Abuse?” *ED Legal Letter* (2014)
- “Current Trends in Business and Commercial Litigation: How to Protect Your Company from Unfair Competition,” Book chapter co-authored with Mark Skakun, published by ExecSense, Inc. (2012)
- Contributor: “Did a Patient Threaten to Sue You? Don’t Panic or Argue,” *ED Legal Letter* (2011)
- Contributor: “Skeletons in Your Closet? Not Much Off Limits in



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Deposition," *ED Legal Letter* (2011)

- Contributor: "What Can You Do About a Frivolous Lawsuit?" *ED Legal Letter* (2010)
- "The Medical Records Hangover: The Party's Over," *MD News* (2010)
- Contributor: "Can Another Provider's Action Reduce Your Liability?" *ED Legal Letter* (2010)
- Contributor: "What's Discoverable – and what's not – in ED Medical Malpractice Cases?" *ED Legal Letter* (2009)
- Contributor: "In Danger of Being Sued? Don't Go In To Denial," *ED Legal Letter* (2009)