

## Litigation

### AREAS OF CONCENTRATION

#### Litigation

Antitrust  
Appellate Law  
Arbitration & Mediation  
Aviation Litigation  
Class Action Litigation  
Commercial & Securities Litigation  
Construction Litigation  
Creditors' Rights Litigation  
ERISA Litigation Defense Team  
Environmental Claims  
False Claims Act & Qui Tam Litigation  
Financial Services Litigation  
Intellectual Property Litigation  
Mass Tort  
Mass Tort Bankruptcy  
Mass Tort Settlement Trusts  
Personal Injury / Wrongful Death  
Product Liability

### PRACTICE CONTACTS

James E. Burke  
TEL: (513) 579-6429

Rachael A. Rowe  
TEL: (513) 579-6486

Gregory M. Utter  
TEL: (513) 579-6540

### RELATED PRACTICES

E-Discovery Team  
Employment Law Litigation  
Evolving Media & Technology Team  
Family Law  
Green Team

Our Litigation Group has one of the preeminent trial practice teams in this region with an unparalleled depth of lawyers who try sophisticated cases in state and federal courts throughout the country. This level of trial experience creates outstanding judgment and perspective in managing litigation. Our litigators are client-driven and always seek the most pragmatic, cost-effective solution for clients. We achieve the best possible results at reasonable costs, whether through an early settlement or after a lengthy trial.

One Office By Choice — We are often asked how we can compete with multi-city, multi-office law firms for sophisticated legal work in the region and around the country. The answer: quite well.

Multiple offices equate to higher overhead costs, which are passed through to clients in the form of higher billing rates. At KMK, we have all of our personnel in one office, allowing us to minimize fixed costs, which translates to lower fees compared to most other firms.

Rather than invest in bricks and mortar office space, KMK has invested in technology – virtual offices, proprietary extranet capabilities, and technologies which make us more efficient and allow us to communicate effectively with clients with less wasted resources. We travel whenever and wherever we are needed, and we lower our costs and bridge distances through the effective use of technology.

This strategy has worked for KMK and our clients, and we have been fortunate to represent clients in legal work across the country, giving us experience and unparalleled depth in business and class action litigation. Top to bottom, our litigation group has more practical lawyering experience than most multi-office firms, which translates to added value at every level of attorney work.

Our clients agree that KMK provides the same or better quality service as "big city," multi-office law firms, at rates that our clients appreciate. *KMK: National Footprint, Midwest Value.*

### CASE STUDIES

- State ex rel Myles v. Brunner
- Jack I. Hope v. City of Hillsboro
- Worldwide Equipment, Inc. v. United States
- Covenant Dove LLC et al v. Mariner Health Care et al
- In re: Pressure Sensitive Labelstock Antitrust Litigation
- Cincom Systems, Inc. v. Novelis Corp.
- Lawrence R. Roy and Kathy Roy v. Daniel A. Gray and The Shaw Group, Inc.

## Litigation (Continued)

- David and Karen Krause v. Dr. Lawrence Rothstein and The Greater Cincinnati Pain Management Centers (GCPMC)
- Rumpke Sanitary Landfill, Inc. v. State of Ohio
- In re Adams
- State v. Taylor

### EXPERIENCE

- **April Westfall, et al. v. Kendle International, Inc. and Kendle International CPU LLC**
- **Charles Kromer, Jr. v. Fifth Third Bancorp and Fifth Third Securities, Inc.**
- **Cintas Corporation v. UNITE HERE, et al.**
- **Jackson Chin, et al. v. Republic Indemnity Company of America**
- **Matthew Marks, et al. v. Infinity Insurance Company**
- **Mirna E. Serrano, et al. v. Cintas Corporation**
- **Paul Veliz, et al. v. Cintas Corporation**
- **Richard L. Phillips v. Tradesman International, Inc.**

### NEWS

- Keating Muething & Klekamp Receives National Recognition in "Best Law Firms" Rankings by U.S. News and Best Lawyers
- Keating Muething & Klekamp Helped U.S. Government Recover \$65 Million in One of the Largest Qui Tam Settlements This Year
- Keating Muething & Klekamp Is the Top-Listed Law Firm in Ohio and in Cincinnati in a Number of Areas According to The Best Lawyers in America 2012
- Keating Muething & Klekamp Wins Historical Award of Attorneys Fees from EEOC in Employment Discrimination Case
- Keating Muething & Klekamp Construction Contract Case Was Recently Published by Court of Appeals
- Keating Muething & Klekamp Named a 2011 Leading Law Firm by Chambers USA
- Keating Muething & Klekamp Hires Two New Associates
- Keating Muething & Klekamp Named a 2011 "Go-To" Law Firm
- James E. Burke, Attorney with Keating Muething & Klekamp, Named 2011 "Cincinnati Best Lawyers Best-of-the-Company Litigator of the Year"
- Keating Muething & Klekamp wins court order banning demolition of client's historic buildings
- Keating Muething & Klekamp wins U.S. Court of Appeals Case for Worldwide Equipment against IRS
- KMK Partner Gregory M. Utter Inducted as Fellow to Litigation Counsel of America
- KMK Attorneys Michael L. Scheier and Benjamin G. Stewart Won a Judgment of \$1.3 Million Plus Award of Attorneys' Fees for their Client
- KMK Attorney Richard Creighton Helps Secure \$46.5 Million in International Antitrust Class Action Case Settlements
- KMK Wins Appellate Court Decision that Will Impact Treatment of IP Rights in Software License Agreements
- KMK Elects Four New Partners to Its Litigation and Business Representation & Transactions Groups

## Litigation (Continued)

- KMK Ranked #1 in Cincinnati by *Best Lawyers in America*; 30 KMK Attorneys Selected for Inclusion
- KMK Lawyers Recognized in 2009 *Chambers USA*
- KMK Attorney Anthony M. Verticchio Admitted to Practice Law in Ohio
- KMK Attorney William A. Posey Wins \$1.372 MM in Medical Malpractice Case Including \$500,000 in Punitive Damages Against GCPMC for Altering or Falsifying Records
- KMK Attorney Joseph L. Trauth, Jr. Wins Court Decision for Rumpke
- Ten Lawyers from KMK Named *Cincy Leading Lawyers* by *Cincy Magazine*
- Judge Norbert Nadel Rules Rider to State Budget Unconstitutional; Rumpke Wins Case
- KMK Attorneys James E. Burke and Charles M. Miller Win Unanimous Ohio Supreme Court Ruling; KMK Protects Ohio Voters
- KMK Attorney Michael L. Scheier Appointed as Co-Chair of Firm's Litigation Practice Group
- KMK Attorney Charles Miller Wins Unanimous Affirmance from the Ohio Supreme Court

### EVENTS

- Where Is This Wave Taking Us? An Update on Social Media, Radisson Cincinnati Riverview Hotel, The American Institute of Architects, Cincinnati Chapter, August 12, 2010
- Where Is This Wave Taking Us? An Update on Social Media, The METS Center, July 20, 2010
- Where Is This Wave Taking Us?, GE Aviation Learning Centre, GE Aviation Employees and General Invitees, May 7, 2010
- Understanding the Legalities of Social Media: Protecting Yourself & Your Company, October 27, 2009
- Sustainability on Trial: Contracting and Litigation Risks with High Performance Buildings, Green Buildings & New Technology Conference, 2008
- New Temporary Rules for the Ohio Commercial Docket, September 10, 2008

### PUBLICATIONS

- Client Alert: KMK Forms Evolving Media & Technology Team to Help Clients Navigate Social Media's Legal and Business Challenges, May 4, 2010
- Qualcomm Evades Wireless Transmission Patent Suit, *Law 360*, February 24, 2010
- Court Tosses Fifth Third Workers' Fees Claim Filed Shortly After Limitations Period Expired, *BNA Pension and Benefits Daily*, October 6, 2009
- Employer Stock: Fifth Third's Retention of Employer Stock Wasn't a Fiduciary Breach, Court Decides, *BNA Pension and Benefits Daily*, March 3, 2009
- Legal Alert: Real Estate Tax Appeal Season To Get Underway, November 17, 2008
- 10 Ways to Reduce Litigation Costs, *The CBA Report*, January 2, 2008
- Corporate Investigations Group Update: Special Committee Reports Could Jeopardize Attorney-Client Privilege, December 27, 2007
- Corporate Investigations Group Update: Can Parent Companies Share Attorney-Client Communications?, August 1, 2007