



## Joseph M. Callow, Jr.

PARTNER

### Keating Muething & Klekamp PLL

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*The most difficult task as in-house counsel is locating and retaining an attorney that combines expertise, aggressiveness, responsiveness, cost effectiveness, and one who can communicate effectively with various levels of management. Joe and his complex litigation team possess all of those qualities and more when faced with retaining a firm and litigation team to best serve your organization. -- Chris Griffin, Griffin Industries, Inc.*

### PRACTICE AREAS

Antitrust  
ERISA Litigation Defense Team  
Class Action Litigation  
Commercial & Securities Litigation  
Intellectual Property Litigation  
False Claims Act & Qui Tam Litigation  
Financial Services Litigation  
Product Liability  
Mass Tort

Joe helps clients manage litigation risk and litigation costs. When litigation arises, he handles cases on a national, regional, and local basis.

Joe primarily works on class action and complex litigation and also helps coordinate and manage litigation matters for clients. He has experience primarily in securities, ERISA, antitrust and general corporate and business litigation as well as in copyright infringement and intellectual property litigation; False Claims Act and qui tam litigation; product liability/tort litigation; and constitutional law.

Joe has represented Cincom Systems, Inc., Fifth Third Bank, Griffin Industries, LSI Industries, and other clients in litigation matters and has also represented Great American Advisors, Fifth Third Securities, Inc., and other clients in FINRA and AAA securities arbitrations.

### REPRESENTATIVE MATTERS

- Local 295 et al. v. Fifth Third Bancorp, et al., and Dudenhoeffer, et al v. Fifth Third Bancorp, et al., Cons. Case No. 1:08-cv-421 (S.D. Ohio) (currently defending client in consolidated securities and ERISA "stock drop" class action litigation); see 2010 U.S. Dist. Lexis 131967 (Nov. 24, 2010) (granting Defendants' motion to dismiss ERISA claims); 731 F. Supp. 2d 689 (Aug. 10, 2010) (granting in part and denying in part Defendants' motion to dismiss)
- In re Processed Egg Products Antitrust Litig., Case No. 2:08-md-02002 (MDL No. 2002) (E.D. Pa.) (currently defending client in antitrust class action litigation)
- LaWarre v. Fifth Third Bank and Fifth Third Securities, Inc., Case No. A0909076 (Hamilton County) (obtained summary judgment on all claim assets related to investment losses)
- Green, et al. v. Griffin Industries, Inc., et al., Civ. Action No. 03CVS5048382F (State of Georgia, Fulton Cty., Sup. Ct.) (defended client in tort class action litigation)
- Cincom Systems, Inc. v. Novelis Corp., 581 F.3d 431 (6th Cir. Sept. 25, 2009) (affirming district court decision finding Novelis Corp. infringed Cincom's copyrighted materials)

## Joseph M. Callow, Jr. (Continued)

### BAR & COURT ADMISSIONS

Ohio

U.S. District Court, Southern District of Ohio

U.S. District Court, Northern District of Ohio

U.S. Court of Appeals, Sixth Circuit

### EDUCATION

J.D., University of Cincinnati College of Law, 1993; Order of the Coif; Law Review, Member 1991-1992 and Lead Article Editor, 1992-1993; Student Bar Association President, 1992-1993

B.A., Miami University, 1990; *cum laude*; college forensics; student government; peer advisor, Sigma Tau Gamma Fraternity

- Shirk et al. v. Fifth Third Bancorp et al., 2009 U.S. Dist. Lexis 90775 (S.D. Ohio Sept. 30, 2009) (summary judgment granted on ERISA excessive fees class action litigation); 71 Fed. R. Serv. 3d (Callaghan) 1199, 44 Employee Benefits Cas. (BNA) 2936 (Jan. 29, 2009) (summary judgment granted on ERISA "stock drop" class action litigation)
- Segal v. Fifth Third Bank N.A., 581 F.3d 305 (6th Cir. 2009) (dismissal of class action complaint affirmed based on SLUSA preemption)
- National Union Fire Ins. Co. v. Wuerth, et al., 2009 Ohio 3901 (S.D. Ohio July 29, 2009) (answering certified question from Sixth Circuit Court of Appeals)
- Exhaust Unlimited et al. v. Cintas Corp. et al., 223 F.R.D. 506 (S.D. Ill. 2004); 326 F. Supp. 2d 928 (S.D. Ill. 2004) (defended client in antitrust class action litigation; defeated class certification)

### AWARDS & RECOGNITIONS

- Named the "Cincinnati *Best Lawyers'* Antitrust Litigation Lawyer of the Year," 2012
- Listed in *The Best Lawyers in America*
- Named to *Ohio Super Lawyers*
- AV® Preeminent™ Peer Review Rated, Martindale-Hubbell
- Cincinnati Academy of Leadership for Lawyers (CALL), Class XI

### NEWS

- 48 Keating Muething & Klekamp Attorneys Recognized in 2012 Ohio Super Lawyers and Ohio Rising Stars
- Four Keating Muething & Klekamp Attorneys Named Best Lawyers' 2012 Lawyers of the 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 only law firm ranked #1 in Cincinnati in Corporate Law, Land Use and Zoning Law, and Municipal Law by The Best Lawyers in America 2011
- KMK Wins Appellate Court Decision that Will Impact Treatment of IP Rights in Software License Agreements

### SPEAKING ENGAGEMENTS

- Ten Recent Decisions Every In-house Lawyer Should Know, 2010
- Emails – A Litigator's Best Friend and Worst Enemy on a Hard Drive Near You, 2010, 2008
- E-Discovery, 2007, 2006, 2005, 2004

## Joseph M. Callow, Jr. (Continued)

- Fifty Minutes on Class Actions, 2007
- Taking and Defending Depositions, 2004

### **PUBLICATIONS**

- 10 Ways to Reduce Litigation Costs, *The CBA Report*, January 2, 2008
- The Class Action Fairness Act of 2005: Overview and Analysis, *The Federal Bar* Vol. 52, May 2005
- An Overview of the Class Action Fairness Act of 2005, *The CBA Report*, May 2005
- Cut-Throat Competition in the Friendly Skies:., *Alaska Airlines v. United Airlines*, 948 f.2d 536 (9th Cir. 1991), cert. denied, 112 S. Ct. 1603, 61 U. Cin. L. Rev. 681
- In Search of Library Horror Stories: an Examination of Research Critical to Public Address Events in Forensics, *National Forensic Journal*, Vol. 8:1, Spring 1990

### **MENTIONED & QUOTED**

- Class Suit Alleging Bank Breached Duties Is Barred by SLUSA, Sixth Circuit Decides, *BNA Class Action Litigation Report*, November 13, 2009
- 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

### **PROFESSIONAL AND COMMUNITY INVOLVEMENT**

- American Bar Association
- Federal Bar Association
- Ohio State Bar Association
- Cincinnati Bar Association
- Seven Hills Middle School, Athletic Booster