

JILLIAN L. DINEHART

SHAREHOLDER



AREAS OF PRACTICE

Public Entity & Civil Rights Litigation
Non-Profit D&O
Miscellaneous Professional Liability
Privacy & Data Security
Construction Injury Litigation
General Liability
Premises & Retail Liability
Product Liability

CONTACT INFO

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127 Public Square
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ADMISSIONS

Ohio
2010

U.S. District Court Northern District
of Ohio
2014

Sixth Circuit Court of Appeals
2015

EDUCATION

Case Western Reserve University
School of Law (J.D., 2010)

State University of New York at
Albany (B.A., magna cum laude,
2006)

HONORS & AWARDS

The Best Lawyers: Ones to
Watch®, Health Care Law
2023

The Best Lawyers: Ones to
Watch®, Personal Injury Litigation
- Defendants
2024

OVERVIEW

Jillian is a member of the Professional Liability Department with a diverse and robust practice. Jillian defends municipalities and their employees in high-risk contract and tort matters, including wrongful death actions, labor and employment issues and allegations of civil rights violations. She also assists with privacy and data breach matters, helping clients to reduce cyber risk exposures and navigate incident response, containment and compliance measures following a data breach. An additional focus of Jillian's practice is devoted to defending corporate and individual insureds in product liability, construction and other premises liability and personal injury claims. Notably, Jillian has practiced in both the state and federal system and has argued before the Sixth Circuit Court of Appeals.

Jillian grew up in the Finger Lakes region of New York and graduated from SUNY Albany with a Bachelor's Degree in Political Science and concentrations in Spanish and Arabic Language studies. She went on to receive her *juris doctor* from Case Western Reserve University School of Law, where she began her litigation career as an award-winning student in the Criminal Defense Clinic. Before joining Marshall Dennehey in 2017, Jillian had a varied civil practice working as a judicial staff attorney as well as an assistant director of law. She continues to use those public-sector skills in advocating for her political subdivision clients.

Outside of the office you are likely to find Jillian anywhere music can be found or walking her dogs through the Cleveland MetroParks.

ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Cleveland Metropolitan Bar Association

YEAR JOINED

2017

THOUGHT LEADERSHIP

Defining Sole Negligence: Interpreting Indemnification Clauses

**Cleveland
General Liability
July 1, 2024**

The Sixth Circuit reviewed an indemnification agreement in a shipping contract to determine the definition of "sole negligence." The indemnification clause read: Case Law Alerts, 3rd Quarter, July

Reckless Disregard to Medical Needs: Calling Paramedics Is Not Enough

**Cleveland
Public Entity & Civil Rights Litigation
July 1, 2024**

The Sixth Circuit considered appellate jurisdiction when there is a question of fact, the extent that a self-serving affidavit can be used in cases with body camera footage, and the bounds of an officer's responsibility to respond to a medical emergency. Case Law Alerts, 3rd Quarter, July

More Than Testimony Is Needed to Establish an Emergency Call for Immunity Purposes

**Cleveland
Public Entity & Civil Rights Litigation
April 1, 2024**

A Cleveland police officer was stopped at a stop light. Without turning on his lights and sirens, he checked for oncoming traffic and advanced through the intersection.

Sixth Circuit Discredits IRS Mileage Rate as Sufficient Payment to Employee Drivers Under the FLSA

**Cleveland
Employment Law
April 1, 2024**

The Sixth Circuit recently considered a consolidated appeal regarding how delivery drivers should be reimbursed for the cost of providing their vehicles for work.

Where to Draw the Line: Superseding Causes and Duty

**Cleveland
Public Entity & Civil Rights Litigation
April 1, 2024**

Todd Howard was a resident at Bunker Hill, a home for wayward boys. He snuck out of the facility to meet with his friends, Zeb Freeman and Derrick Hizer. He snuck out through a path that was well-known to Bunker Hill, but unprotected.

CLASSES/SEMINARS TAUGHT

Ohio Personal Injury Litigation: Secrets Only the Top Attorneys Know, National Business Institute (NBI) Webinar, December 15, 2022

Political Subdivision Tort Liability, Cuyahoga County Common Pleas Court, August 2015

PUBLISHED WORKS

"Understanding Municipalities' Rights and Liabilities in Weapons and Ordnance Legislation," *Cleveland Metropolitan Bar Journal* (page 18), December 2022

"Transferring a Plaintiff's Burden to the Court: In-Camera Inspections Are a Necessary Burden for Most Courts in Ohio," *Defense Digest*, Vol. 27, No. 5, December 2021

PRO BONO ACTIVITIES

Brief Advice Clinic with Legal Aid Society of Greater Cleveland, 2009

Immigration Clinic with Catholic Charities, 2009

AmeriCorps Service Member benefitting Legal Aid of Western New York, 2009

RESULTS

Dismissal Affirmed on Appeal in Ohio Personal Injury Lawsuit

General Liability

Appellate Advocacy & Post-Trial Practice

June 5, 2024

Our motion to dismiss was affirmed on appeal after the Ninth District Court of Appeals found that the plaintiff had sued a non sui juris entity by suing a county department in a personal injury suit. The plaintiff initially filed suit against the department, which was later dismissed without prejudice to allow more time to develop the plaintiff's medical records. When he refiled his suit, he again named a county department as the defendant. We filed a motion to dismiss, arguing that a county department does not have the capacity to be sued.

Summary Judgment on Behalf of Former Mayor in Civil Rights Lawsuit

Public Entity & Civil Rights Litigation

March 4, 2024

Jillian won summary judgment in favor of her client, a former suburban mayor, after seven years of protracted litigation, arising out of alleged defamation. In 2016, Jillian's client was arrested for domestic violence. Although the criminal case was ultimately dismissed, the charge significantly tarnished her personal life and career and she lost re-election. In 2017, the police chief and a lieutenant that led the investigation into the criminal charge left their positions, allegedly forced out by the mayor.

Summary Judgment Secured in Protracted Defamation Case

Public Entity & Civil Rights Litigation

March 4, 2024

We won summary judgment for a former suburban mayor after seven years of litigation. As background, in 2016, our client was arrested for domestic violence, but the criminal case was ultimately dismissed for lack of evidence and sealed. In 2017, after the police chief and lieutenant left their positions, the City found documents regarding the sealed charges against the mayor in their offices. This spurred an internal investigation into the police investigation into the mayor, which found that there were significant deficiencies in the criminal investigation.

Successful defense of local municipality in employment law matter.

Employment Law

July 25, 2019

Several police cadets were not allowed to take the state licensing exam after the municipality learned that those cadets had been cheating to complete academy requirements. The cadets were referred for disciplinary charges and then terminated. They brought suit, alleging due process violations for allegedly holding sham post-disciplinary hearings, predetermining termination, and not allowing them access to the evidence against them. Select plaintiffs also alleged racial discrimination.

SIGNIFICANT REPRESENTATIVE MATTERS

Jillian's Motion to Dismiss was affirmed on appeal after the Ninth District Court of Appeals found that Plaintiff had sued a non sui juris entity by suing a county department in a personal injury suit. The Plaintiff initially filed suit against the department, and later dismissed without prejudice to allow more time to develop Plaintiff's medical records. When he refiled his suit, he again named a county department as the defendant. Jillian filed a Motion to Dismiss arguing that a county department does not have the capacity to be sued. Plaintiff then filed a Motion to Amend the Complaint and named the county. Jillian then filed a Motion to Dismiss the Amended Complaint arguing that the plaintiff was outside of the statute of limitations and that the change in defendant could not relate back to the originally filed suit. Plaintiff's argument that naming the department was merely a misnomer and that the Amended Complaint should relate back to the original filing failed and the trial court dismissed the case. After oral argument, the appellate court affirmed the decision.

In 2023, Jillian went to trial in a motor-vehicle accident case in which she represented a driver that had died while the case was pending. There was also a large, financially successful, corporate co-defendant represented by other counsel. The plaintiff had sustained a broken arm in the accident that was surgically repaired. Jillian's client had admitted liability, so the case was solely to be heard on the value of the injury, and the liability of the corporate co-defendant. Likely counting on the deep pockets of the co-defendant, the Plaintiff's pre-suit demand was not rationally related to the injury or in the realm of similar verdicts in the region. During the first day of trial, Jillian formed a clear rapport with the jury panel, often engaging in friendly banter with the potential jurors about their own experiences in car accidents, injuries similar to the plaintiff's, and the social impact of surgical scars. This rapport was in direct contrast to a very dry voir dire by plaintiff's counsel and was bolstered by a similarly friendly voir dire by the co-defendant's counsel. The parties completed their opening statements and returned to court in the morning, at which time the plaintiff asked to engage in settlement discussions. As a result of Jillian's trial performance, the case settlement for \$1.5 Million less than the plaintiff's demand the day before trial.