

# Lawrence D. Pollack

Partner



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## Practices/Industries

- Complex Business Litigation
- Fire Litigation
- Product Liability

## Education

Miami University  
(B.A., 1986)

The Ohio State University  
Moritz College of Law  
(J.D., with Honors, 1989)  
*Ohio State Law Journal*; ABA  
Moot Court Team

## Overview

Larry is an experienced trial lawyer who concentrates his practice in the areas of business litigation and cases involving failure analysis, including product liability, construction defects, fire litigation, and subrogation. He has assisted numerous insurance companies in subrogation actions in state and federal courts to recover millions of dollars involving fire losses, defective products and machinery, and negligence. Larry also represents product manufacturers, suppliers, distributors, contractors, design professionals, and property owners in defense of claims arising from product failures and fire losses. In doing so, Larry has extensive expertise in site investigations and in working with experts to determine the origin and cause of losses or failures. Practicing in state and federal courts, he has extensive experience in all aspects of business litigation, including claims involving allegations of breach of contract, breach of warranty, fraud, breach of fiduciary duty, securities fraud, and RICO. Larry has been named to the Ohio Super Lawyers list and is rated AV Preeminent<sup>®</sup> by Martindale-Hubbell<sup>®</sup>

## Experience

- Certified Fire and Explosion Investigator (CFEI) through the National Association of Fire Investigators (NAFI) and related training through the Institute of Fire Sciences (May 2005); International Symposium on Fire Investigation (June 2006); and NAFI/National Fire Protection Agency (NFPA) (March 2010).
- Has represented numerous insurance companies in recovering millions of dollars in subrogation actions in state and federal courts involving fire losses, defective products and machinery, breaches of warranty and contract, improper construction, fire suppression systems, negligence, and carrier liability.
- Has represented numerous product manufacturers, suppliers, distributors, and property owners in prosecuting and defending a variety of claims arising from construction defects, product defects and fire losses.
- Extensive experience in site and loss investigations to determine the origin and cause of fires, water leaks, and product failures or defects; including the retention of experts and coordinating multi-party investigations.
- Extensive experience in defending class action lawsuits, including the defense of nationally known manufacturer of nutritional supplements in several purported class actions involving allegations of consumer fraud; defense of public companies from claims of securities fraud and breaches of fiduciary duty.
- Extensive experience in state and federal courts in all aspects of business litigation including claims for breach of contract, unfair competition, trade secrets, fraud, tortious interference with business relationships, non-competition covenants, breach of fiduciary duty, RICO claims, shareholder suits, and general tort litigation.
- Extensive experience representing design professionals from claimed errors and omissions.

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## Experience (Cont)

- Frequent speaker on use of experts in litigation, loss site inspections, spoliation issues, and origin and cause determinations.
- Clerk, Judge Carl B. Rubin, Chief Judge, U.S. District Court, Southern District of Ohio.

## Presentations

- "A Case Study in Litigating Construction Losses and Related Issues," NASP Annual Conference (November 2020)
- "The Independent/Subcontractor Defense in a Subrogation Construction Case," NASP 2017 Subrogation Litigation: Skills and Management Conference (April 2017)
- "Update on Changes to NFPA 921, Guide for Fire and Explosion Investigations and Explosion Investigations and NFPA 1033, Standard for Professional Qualifications for Fire Investigations," National Association of Subrogation Professionals (January 2015)
- "Updates to NFPA 921," National Association of Subrogation Professionals (May 2014)
- "Flame Retardants: Why They Don't Retard Subrogation Claims," National Association of Subrogation Professionals (May 2014; November 2013)
- "The Past, Present and Future of Using the Process of Elimination Methodology to Prove the Cause of a Fire," NASP Webinar (September 2012)
- "Vent Fan Motor Fires," NASP Conference (November 2011)
- "NFPA 921: How the 2008 Revisions will Impact Subrogation Cases," NASP Chapter Meeting, Cleveland, Ohio (September 2009)
- "NFPA 921: The Changes to the 2008 Edition and How It Will Impact Subrogation Professionals," NASP National Conference, Ft. Lauderdale, Florida (November 2008)
- "How NFPA 291 is Impacting Fire Related Subrogation – How You and Your Attorneys Should be Using it Both Offensively and Defensively," National Property Subrogation Strategies, ExecuSummit, Atlantic City, N.J. (April 2008)
- "Impact of *Daubert* Upon the Subrogation of Fire Losses," ExecuSummit, Property Subrogation Program, New York, NY (April 2007)
- Ohio Public Agency Arson Network Training Seminar, Presenter on Daubert Challenges and Courtroom Testimony for Fire Investigators, Middleburg Heights, Ohio (March 2007)
- "Closing Argument," NASP Litigation Skills Conference, Las Vegas, Nevada (March 2007)
- "Subrogation Ethics," NASP Conference, Orlando, Florida (November 2006)
- "Update on Daubert Challenges to Fire Investigators," NASP Chapter Meeting, Cleveland, Ohio (September 2006)
- "Daubert, Ohio Rule of Evidence 702 and Fire Investigators," Ohio State Fire Marshall's Judges and Prosecutors Seminar, Mentor, Ohio (December 2005)

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## Presentations (Cont)

- Panel Discussion on the Attorney Client Relationship in Large Loss Property Cases, NASP Conference, Austin, Texas (November 2005)
- "Preventing Spoliation of Evidence," NASP Chapter Meeting, Cleveland, Ohio (February 2004)
- "Handling Fire Suppression System Losses," NASP Conference, Reno, Nevada (November 2003)
- "Care, Selection and Feeding of Expert Witnesses," NASP Conference, Reno, Nevada (November 2001)
- "Cross Examining Expert Witnesses," Cleveland Bar Association (April 2000)

## Involvement

### Professional Affiliations

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- National Association of Subrogation Professionals (NASP)
- International Association of Arson Investigators (IAAI)
- National Fire Protection Association (NFPA)
- National Association of Fire Investigators (NAFI)

## Honors & Distinctions

- Named to *The Best Lawyers in America*, Litigation – Insurance (2021; 2022)
- AV Preeminent Peer Review Rated – Martindale-Hubbell
- Named to the Ohio Super Lawyers list (2011-2016)

## Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Eastern District of Michigan