

# Steven S. Kaufman

Partner



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## Practices/Industries

- Complex Business Litigation
- Professional Liability
- Real Estate/  
Environmental Litigation
- Financial Services

## Education

Colgate University  
(A.B., 1972)  
Case Western Reserve  
University School of Law  
(J.D., 1975)



## Overview

Clients and peers of Steve hold him in the highest regard as he represents clients in a wide range of high-stakes business litigation. With extensive experience as lead trial counsel in state and federal courts across the United States, Steve has consistently earned national recognition for his leadership and client service in matters of complex general commercial, real estate, eminent domain, employment, contract, professional liability, fiduciary duty, financial services, fraud, trade secret, intellectual property, civil rights, and class action litigation.

## National Recognition

- **Chambers USA:** His 15th consecutive annual ranking (2006-2021) by Chambers recognizes Steve as one of the top 16 attorneys in Ohio for General Commercial Litigation (Band 2 status). Clients and peers have shared insights with Chambers researchers including that Steve is “a warrior when he needs to be, and a very astute and effective trial lawyer,” “extraordinarily insightful and pragmatic,” and “unquestionably a force to be reckoned with.”
- **Benchmark Litigation:** Recognized for the past eight years (2014-2022) for his work in General Commercial and Securities Litigation, Steve is consistently named a State Litigation Star for Ohio. Interviewees shared that he is “highly effective and efficient at ‘bet the company’ litigation” and provides “outstanding creativity and service.” One client noted, “Steve Kaufman is one of our nation’s premier litigators. He provided steadfast direction through highly complex litigation against numerous firms.”
- **The Best Lawyers in America®:** In 2019, Steve was named “Lawyer of the Year” for Litigation-Real Estate in Cleveland. He has been recognized by *Best Lawyers®* in Litigation-Commercial, Real Estate, and Intellectual Property for 15 years (2006-2022).
- Steve has also earned the top rating from Ohio Super Lawyers and AV Preeminent® status (the highest rating) by Martindale Hubbell, as well as other accolades.

## Experience

### Representative Trials

Steve is an experienced first-chair trial lawyer in a wide range of civil matters. He has tried many bench and jury cases to verdict and has been a frequent speaker and writer on trial practice. Steve has served in the following representative trials:

- As lead trial counsel, won a defense verdict in state court in the largest-ever commercial eminent domain trial in Ohio history, enabling the City of Cleveland to expand Cleveland Hopkins International Airport. The defense verdict prevented the neighboring city of Brook Park from taking Cleveland’s property by eminent domain for its economic development purposes. Because the 180-acre tract was the only reasonable location for planned and necessary airport expansion, including a new international runway, building an entirely new airport at a green field site was not an option, and Cleveland stood to incur

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## Experience (Cont)

### Representative Trials (Cont)

billions of dollars in economic development damages. The Cleveland Plain Dealer hailed the four-week trial victory as a victory for the entire Northeast Ohio region.

- As lead trial counsel in the U.S. District Court for the Northern District of Ohio, for a trustee of a large Northeast Ohio foundation that was the plaintiff for claims for breach of fiduciary duties and Ohio law against the co-trustees of the foundation. This case arose out of the sale of the public company that controlled the foundation and certain related actions taken to spin-off control of the foundation under the lifetime control of some of the trustees. Highly favorable settlement reached after the first week of a bench trial.
- As lead trial counsel for the Cleveland-Cuyahoga County Port Authority in a five-week bench trial in an eminent domain action to acquire 14 commercial properties for the largest downtown Cleveland real estate redevelopment project in over 30 years, involving a \$400 million mixed-use housing, office, and retail redevelopment project on the East Bank of the Cuyahoga River. The case settled after five weeks of trial when all property owners agreed to settle and transfer all property to the project.
- As Ohio trial counsel on trial in the U.S. District Court for the Northern District of Ohio, obtained a trial verdict in a patent infringement litigation upholding the validity of the patent on behalf of a major worldwide pharmaceutical manufacturer, and against a generic drug maker involving one of the most commercially successful over-the-counter drugs.
- As co-lead counsel, won a unanimous ruling by the Ohio Supreme Court in an election contest action on behalf of the successful candidate for Ohio Attorney General, who won the statewide election by only 1,234 votes.
- As co-trial counsel, won injunction trial allowing the most significant public development project in Cleveland in 30 years to proceed. Won a TRO permitting the \$275 million financing to close and then won a week-long trial, obtaining a preliminary injunction against an architectural firm that tried to block the \$275 million Flats East Bank redevelopment project in a dispute over the ownership of the project drawings. A state court judge found that the developer had the right to maintain ownership of and use the drawings and that not recognizing this right would irreparably harm the developer, the project, and the Greater Cleveland area.
- As lead counsel on behalf of the Cuyahoga County Government Transition Committee, won the defense of a mandamus action before the Ohio Supreme Court regarding the County Charter Reform Government Transition in an action brought by the ACLU challenging the Public/Private collaborative transition process regarding Public Open Meetings and Records Acts practices. The 2010 County Charter reform had replaced a 200-year-old form of County Commissioner Government with a new County Executive led government with a County Council. A unanimous Ohio Supreme Court ruled in favor of the clients based on the non-public body nature of the Transition Committee and its rights under the First Amendment of the Constitution.
- Secured multiple significant monetary jury trial verdicts in favor of property owners in eminent domain litigation in the U.S. District Court for the Northern District of Ohio.

### Other Representative Matters

Steve's clients have succeeded in many cases where he has served as lead counsel before the cases advanced to trial:

- Represented, as lead counsel, multiple AmLaw200 law firms in defense of professional liability claims, as well as companies and large privately held companies in professional liability claims and litigation advice to AmLaw 100 and 200 law firms.

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## Experience (Cont)

### Other Representative Matters (Cont)

- Represented a publicly held REIT plaintiff in litigation in the U.S. District Court for the Northern District of Ohio, against sellers regarding the earn out portion of the purchase agreement for the sale of a \$330 million commercial shopping center development portfolio in Idaho and Utah. After winning a hotly contested battle over venue and jurisdiction, and after succeeding on motions to dismiss many of the sellers' counterclaims, the matter resulted in a highly favorable confidential settlement.
- Lead counsel representing a company owned by two New York residents in litigation initiated in the U.S. District Court for the Southern District of New York. The complaint accuses a large telecommunications company of breach of contract and continual trespass including damage to their Manhattan townhouse and endangering their lives through the dismantling and installing of cell tower equipment over the course of eight years. The plaintiffs seek equipment removal, injunctive relief, monetary damages, and punitive or exemplary damages for no less than \$2 million.
- Represented a financial institution with a major national mortgage lending business unit in mortgage fraud related claims in numerous litigations against title companies, closing agents, attorneys, appraisers, and others in claims for breaches of contract, fiduciary duty, fraud, and RICO in state and federal courts throughout the United States, each of which resulted in multimillion dollar recoveries.
- As co-lead counsel, represented the client in litigation initiated in the U.S. District Court for the Northern District of Ohio against Northfield Park Associates LLC. The client is an association of all owners, breeders, and drivers of harness horses in the State of Ohio. This case alleged violations of the Interstate Horseracing Act, 15 U.S.C. § 3001, et. seq., as well as breach of the "Horsemen's Agreement" providing for the custody and handling of horsemen's monies that the horsemen alleged were subject to the duties associated with a trust. This was a case of first impression under the Interstate Horseracing Act and under Ohio trust law regarding issues between Horsemen's groups and race tracks that was followed in the industry. The case resolved amicably in a confidential and comprehensive settlement agreement.
- Represented a manufacturer in Ohio state court in its claim for multimillion dollars in damages arising out of the legal malpractice by its law firm, which represented it in trade secret litigation. The matter was settled confidentially and for a significant insurance limits result.
- As lead counsel, defended the developer of Pinecrest, a large Northeast Ohio mixed-use commercial development project in the east suburbs of Cleveland, where an oil and gas well operation on the development of the site had obtained issuance of a TRO before the firm's engagement, drawing a halt to prevent the dismantling of the well, and effectively shutting down development across a substantial portion of the site. Successfully litigated the defense position in a Preliminary Injunction hearing to oppose the well interest-holders' position. First succeeded in persuading the court to increase the bond to a very high amount in order to continue the temporary restraining order. Following the first day of the PI hearing, with the new high bond due to be filed, the plaintiffs dropped their opposition and settled the matter, allowing the resumption of the development with only a minor project delay.
- Represented a CT imaging medical practice in defending claims against a major area hospital that asserted breach of contract claims seeking \$15 million in damages arising out of a contractual arrangement for the provisions of CT services to the hospital. The case was then settled confidentially for a significant monetary recovery after the court ruled it would allow the jury to consider the plaintiff's punitive damages claims.

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## Experience (Cont)

### Other Representative Matters (Cont)

- Averted a major shutdown of an appliance manufacturer's plants throughout Ohio after successful preliminary injunction hearing results in consent order and settlement. After the first day of Whirlpool's testimony in a preliminary injunction hearing in the U.S. District Court for the Northern District of Ohio, helped negotiate the return to Whirlpool of critical equipment being withheld by a supplier in a dispute over financial issues. The supplier entered into a stipulated order providing for the return of the equipment after the preliminary injunction hearing at which the judge questioned the supplier on the record asking, "But what's the dispute? [The agreement] says immediate possession of [the] tools." The supplier had initially refused to allow the return of the equipment on demand as the parties' agreements required. The return of the equipment was critical to preventing costly disruptions at Whirlpool plants, including the threatened shutdown of production line shifts in Ohio. A settlement of the remaining claims and counterclaims, including claims of breach of contract and fraud, was successfully obtained following the return of the equipment to the client. Served as lead trial counsel and Ohio co-counsel.
- Represented the limited partner investors in a residential condominium development as plaintiffs in an action in Ohio state court for legal malpractice action, breach of fiduciary duty, and securities fraud claims against the general partner and its law firm. This matter settled favorably following a unanimous landmark decision in the Ohio Supreme Court in favor of the investors and against the law firm.
- Represented a large U.S. aerospace manufacturing company against one of the largest Canadian insurance companies involving claims in the U.S. District Court for the Northern District of Ohio for breaches of duty and contract in connection with the termination of a corporate pension plan in place at the time of the sale of the company. A very favorable confidential settlement was reached only months after instituting the litigation.

## Representative Reported Cases

- State ex rel. Am. Civ. Liberties Union of Ohio, Inc. v. Cuyahoga Cty. Bd. Of Commrs., 128 Ohio St.3d 256, 2011-Ohio-625
- Peterson v. Progressive Corp., 2006-Ohio-6175
- Arpadi v. First MSP Corp., 68 Ohio St.3d 453, 628 N.E.2d 1335 (1994)
- In Re Election of November 6, 1990 For the Office of Attorney General, 57 Ohio St.3d 614

## Involvement

### Professional Affiliations

- Cleveland Metropolitan Bar Association (*President, 2003-2004; President-Elect, 2002-2003; Vice President, 2001-2002; Member, Board of Trustees, 1998-2001*)
- American Bar Association (*Co-Chair, Real Estate Litigation Committee, Litigation Section, 2012-2016*)
- Ohio Metropolitan Bar Association Caucus (*President, 2003-2004*)
- Ohio State Bar Foundation (*Fellows Class of 2001*)
- National Council of Bar Presidents (*Member*)
- New York State Bar Association (*Member*)
- American Bar Association Foundation (*Fellow*)

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## Involvement (Cont)

### Professional Affiliations (Cont)

- Judicial Review Commission for the Northern District of Ohio (*Member*)
- Celebrezze Inn of Court (*Master Benchers, Member, 1995-present*)
- Cuyahoga County (Ohio) Government Transition Executive Committee (*General Counsel, January 2010–November 2010*)
- Judicial Conference of the Eighth Judicial District (*Life Member; Co-Chair, Life Member Committee, Seventeenth Conference of the Eighth Judicial Conference, April 2009*)
- Case Western Reserve University School of Law (*Adjunct Professor of Law, Eminent Domain Law and Trial Practice, 2007-2010*)
- Court of Nisi Prius (*Serjeant, 1999-present*)

### Community Involvement

- Boys and Girls Club of Greater Cleveland (*Member, Board of Trustees, 2010-2013; Chair, Government Relations Committee, 2010-2013*)
- Shaker Heights School District Board of Education (*President, 2004-2006; Vice President, 2003-2004; twice elected member of District Board of Education, 1997 & 2001*)
- Shaker Heights School District Finance & Audit Committee (*Member, 2000-2003*)
- Leadership Cleveland (*Class of 1999*)
- Transition Team for Mayor Jane Campbell, City of Cleveland Transition Committee regarding Cleveland Hopkins International Airport (*Member, 2001*)
- Transition Team for Mayor Frank Jackson, City of Cleveland Transition Committee on Regional Development (*Member, 2005*)
- Transition Team for Ohio Attorney General Lee Fisher for selection of Chief Counsel (*Member, 1990-1991*)

## Honors & Distinctions

- Ranked in Band 2 of Ohio's Leading General Commercial Litigation Lawyers by Chambers USA: America's Leading Lawyers for Business (2006-2021)
- Named a "State Litigation Star" in Ohio and ranked in Litigation: General Commercial and Securities by *Benchmark Litigation* (2014-2022)
- Named to the Ohio Super Lawyers list (2005-2021)
- Named *Best Lawyers* Litigation-Real Estate "Lawyer of the Year" in Cleveland (2019)
- Named to *The Best Lawyers in America*, Commercial Litigation; Litigation - Real Estate (2006-2022)
- AV Preeminent® - Martindale Hubbell
- AV Preeminent® - Martindale Hubbell, Judicial Addition (2016)

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## Honors & Distinctions (Cont)

- BTI Client Service All Star (2013)
- LawDragon (2006, 2009-2010)
- The Rev. Richard E. Sering Crossroads Hope Award for contribution to racial fairness reform in the Ohio justice system - The Racial Fairness Project (2004)

## Admissions

- State of Ohio
- State of New York
- State of Illinois
- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Claims
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Michigan