

Jeffrey S. Dunlap

Partner | Vice Chair, Litigation Department



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Practices/Industries

- Complex Business Litigation
- Trade Secrets/Unfair Competition/Non-Competes
- Employment & Labor Litigation

Education

Cornell University
(B.S., with distinction, 1986)
Harvard Law School
(J.D., 1989)



Overview

As Vice Chair of the Litigation Department, Jeff helps lead the firm's team of accomplished litigators and trial lawyers as they represent clients nationwide in complex litigation and arbitration matters. Clients turn to Jeff for his more than 30 years of legal experience representing businesses in a wide range of commercial and employment disputes. Jeff's practice involves complex business, securities, employment discrimination, and unfair competition matters. He has successfully tried many cases before juries, judges, and arbitrators. Jeff also helps clients avoid litigation, counseling a range of businesses on designing and implementing sound employment policies and procedures.

Jeff has received numerous accolades throughout his career. He was awarded the highest ranking, AV Preeminent, from Martindale-Hubbell, has been named to *The Best Lawyers in America*® for Labor and Employment Law every year since 2010, and has been named an Ohio Super Lawyer for 13 consecutive years. Of particular note, Super Lawyers has recognized Jeff as one of the top 100 lawyers in the State of Ohio and as one of the top 50 lawyers in the City of Cleveland.

Experience

- Representation of national and regional companies in non-competition/non-solicitation, trade secrets and employee raiding litigation.
- Representation of national and regional companies in employment discrimination, whistleblower, and wrongful termination litigation.
- Representation of national and regional companies in employment tort, commercial and unfair competition litigation.
- Counseling of numerous clients with respect to employment agreements, employment policies, termination decisions, and compliance with federal and state discrimination laws.

Reported Cases

- *O'Donnell v. Genzyme Corp.*, 2016 WL 430015 (6th Cir. 1991) (affirming grant of summary judgment)
- *O'Donnell v. Genzyme Corp.*, 2015 WL 11109719 (N.Dist. Ohio 2015) (summary judgment granted in wrongful termination/retaliation case)
- *Magnum Steel & Trading, LLC, et al. v. Gerald Mink, et al.*, 2013-Ohio-2431 (9th Dist. 2013) (affirming judgments rendered by the court and the jury in a tortious interference and trade secret misappropriation case)
- *In Re: Kenneth W. Bryant, Debtor*, No. 11-30834-LMK, United States District Court for the Northern District of Florida, Pensacola Division, 2012 WL 2935365, July 3, 2012 (dismissal of Chapter 7 bankruptcy case)
- *Century Business Services, et al. v. Thomas L. Barton, et al.*, 2011-Ohio-5917 (8th Dist. 2011) (affirming judgments rendered by the court and the jury in restrictive covenant case)

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Reported Cases (Cont)

- *Century Business Services v. Bryant*, No. 1:01-CV-02166, United States District Court for the Northern District of Ohio, Eastern Division, 2010 U.S. Dist. LEXIS 30899, March 31, 2010 (breach of contract, Lanham Act)
- *Sollitt v. KeyCorp*, No. 1:09-CV-43, United States District Court for the Northern District of Ohio, 2009 U.S. Dist. LEXIS 74217, August 21, 2009 (public policy tort claim)
- *Schemmer v. Chartone, Inc.*, No. 1:05CV2923, United States District Court for the Northern District of Ohio, Eastern Division, 2008 U.S. Dist. LEXIS 35020, April 29, 2008
- *Dobbins v. NASD*, No. 5:06CV2968, United States District Court for the Northern District of Ohio, Eastern Division, 2007 U. S. Dist. LEXIS 61767, August 22, 2007
- *Hilliard v. Saul*, No. 3:06-0454, United States District Court for the Middle District of Tennessee, Nashville Division, 2007 U. S. Dist. LEXIS 12456, February 2, 2007
- *Kaz Co. v. Esselte Corp.*, No. 5:05CV814, United States District Court for the Northern District of Ohio, Eastern Division, 2005 U.S. Dist. LEXIS 28299, November 17, 2005
- *Sullivan v. Kodsi*, No. 1-04-1508, Appellate Court of Illinois, First District, Fourth Division, 359 Ill. App. 3d 1005; 836 N.E. 2d 125; 2005 Ill. App. LEXIS 901; 296 Ill. Dec. 710, September 8, 2005
- *Century Business Services v. William Urban*, 179 Ohio App. 3d 111, 2008-Ohio-5744 (8th Dist. 2008) (enforceability of restrictive covenants)
- *Margulies v. Guardian Life Insurance Company of America*, 2007-Ohio-1601 (class certification)
- *Rucker v. Everen Securities, Inc.*, 102 Ohio St.3d 1247, 2004-Ohio-3719 (promissory estoppel)
- *Rucker v. Everen Securities, Inc.*, 2003-Ohio-1166 (promissory estoppel)
- *Century Business Services v. Moore*, No. 82378, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2003-Ohio-3809; 2003 Ohio App. Lexis 3438, July 17, 2003
- *Century Business Services v. Bryant*, No. 01-4142, United States Court of Appeals for the Sixth Circuit, 69 Fed. Appx. 306; 2003 U.S. App. Lexis 13877, July 8, 2003
- *Margulies v. Guardian Life Insurance Company of America*, No. 81737, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2003 Ohio 1959; 2003 Ohio App. Lexis 1870, April 17, 2003
- *Century Business Services v. Bryant*, No. 80508, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2002 Ohio 2967; Ohio App. Lexis 2932, June 13, 2002
- *Mortgage Information Services v. Kitchens*, No. 3:01-CV-106-V, United States District Court for the Western District of North Carolina, Charlotte Division, 210 F.R.D. 562; 2002 U.S. Dist. LEXIS 20358; 52 Fed. R. Serv. 3d, May 15, 2002
- *Ormond v. City of Solon*, No. 79223, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2001 Ohio App. Lexis 4654, October 18, 2001
- *George v. Realty One Property Management*, No. 78929, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2001 Ohio App. Lexis 3960, September 6, 2001

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Reported Cases (Cont)

- *Mundell v. Landstyles*, No. 78829, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2001 Ohio App. Lexis 3961, September 6, 2001
- *Ormond v. Rollinbrook Estates Homeowners Association*, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2000 Ohio App. Lexis 5731, December 7, 2001
- *Kassouf v. White*, No. 75446, Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County, 2000 Ohio App. Lexis 751, March 2, 2000
- *Fleet Business Credit Corporation v. National City Leasing Corporation*, No. 99 C 5501, United States District Court of the Northern District of Illinois, Eastern Division, 191 F.R.D. 568; 1999 U.S. Dist. Lexis 19849, December 20, 1999
- *Richardson Electronics. v. Arius, Inc.*, No. 95-525, Court of Appeal of Florida, Fifth District, 674 So. 2d 143; 1996 Fla. App. LEXIS 4990, April 30, 1996
- *Metz v. Independent Trust Corporation*, 994 F.2d 395 (7th Cir. 1993) (breach of trust agreement)
- *McNamee v. Federated Equipment & Supply Company*, 286 Ill. App.3d 806 (1st Dist. 1997) (contribution claim in product liability action)

Presentations

- "Litigation Challenges in the Wake of the COVID-19 Pandemic," Ulmer Webinar (May 2020)
- "Reopening the Workplace V2: New Updates," CBIZ Webinar (May 2020)
- "The Anatomy of a Whistleblower Action: Procedure, Practice Pointers, and Avoiding Pitfalls," Ulmer, Hot Topics in Financial Services & Securities Litigation Webinar (December 2019)
- "Becoming a FINRA Arbitrator," FINRA Lunch and Learn (November 2019)
- "How to Argue a TRO Motion," Cleveland Employment Inn of Court (February 2019)
- "The New Landscape for Trade Secret Lawsuits and Some Lessons from the Trenches," Ulmer Litigation Conference (September 2017)
- "Setting the Permanent Record Straight: Trying U-5 Defamation Cases," Ulmer & Berne, Financial Services & Securities Litigation Hot Topics 2015 (November 2015)
- "Dodd-Frank and Sarbanes-Oxley Whistleblower Investigations and Litigation: Preventing and Defending Whistleblower Claims," Association of Corporate Counsel, Central Ohio Chapter (September 2015)
- "A Fresh Look at Some Restrictive Covenant Issues," Hot Topics in Financial Services & Securities Litigation (October 2014)
- "Navigating Non-Compete and Non-Disclosure Agreements," AICPA Global Manufacturing Conference (September 2014)
- "What Happens When the Whistle Blows?," Financial Services Hot Topics (December 2013)
- "Restrictive Covenants: How Do Courts View Them?" (November 2012)
- "Enforcing Non-Competition Agreements: You Be the Judge," Ohio State Bar Association's 49th Annual Midwest Labor and Employment Seminar (Fall 2012)

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Presentations (Cont)

- “What Should the Boss Know About You?,” The Sound of Ideas Cleveland Public Radio [WCPN / WVIZ / Ideastream] (November 2011)
- “Reductions in Force: Age, WARN Act and Other Considerations,” OSBA Midwest Labor and Employment Seminar (October 2011)
- “Career Panel: A Career In The Law,” Hudson Community First and The Burton D. Morgan Foundation (January 2011)
- “Resolving Non-Competition Cases Before a Breach, With Views from the Bench,” Ohio State Bar Association’s 47th Annual Midwest Labor and Employment Law Seminar (Fall 2010)
- “Controlling the Costs of Arbitration and Effective Presentation at Arbitration,” Cleveland Metropolitan Bar Association (November 2008)
- “Employment Contracts: Drafting Critical Provisions, Including Executive Compensation, Noncompete and Proprietary Information Provisions,” 45th Annual Midwest Labor and Employment Law Seminar (October 2008)
- “Employment Agreement Basics and Restrictive Covenants,” OSBA Midwest Labor and Employment Seminar (October 2008)
- “FINRA: A New Era of Securities Arbitration and Litigation,” KeyCorp Law Group Attorneys Meeting (October 2007)
- “The Top Ten Legal Developments Affecting HR in the Past Year and What to Watch in 2008,” HRACO Fall Legal Update (September 2007)
- “Orientation Essentials” (October 2006)
- “Non-Competes: Do They Work?” Rockwell Automation (August 2006)
- “FMLA: Intermittent Leaves and Reduced Leave Schedules” (July 2006)
- “Winning Trade Secret Cases,” PriceWaterhouseCoopers General Counsel Forum (August 2005)
- “What to Do When Employees Leave for a Competitor: Protecting Valuable Business Interests,” Council on Education in Management (August 2005)
- “The Family and Medical Leave Act: The Basics and Beyond” (July 2005)
- “Non-Compete Agreements: Do They Work?” (October 2004)
- “Hiring and Firing Guidelines” (June 2004)
- “Saying Goodbye & Meaning It – How to Terminate Employees the Right Way” (February 2003)
- “Injunctive Relief in Unfair Competition Matters” (December 2002)
- “Cross-Examining the Plaintiff’s Economic Expert” (May 2002)
- “New Developments in State and Federal Employment Law: Business Immigration Issues, HIPAA, OFCCP, NLRB, and More” (March 2002)
- “When All Else Fails – Anatomy of a Court Action” (December 2001)
- “Employment Agreements” (May 2001)

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Presentations (Cont)

- “What to Do When the Friday Afternoon Call Comes in From the Client Who Wants You to Seek an Injunction Against a Departing Employee First Thing Monday Morning: DON'T PANIC ... PREPARE” (April 2001)
- “How to Avoid Discrimination Charges Based on the Latest Title VII Decisions” (Summer 2000)
- “Handling Non-Competes in the Insurance Industry” (Spring 2000)
- “Safeguarding Your Company's Trade Secrets” (Spring 2000)
- “Workplace Violence: Training Managers; Minimizing Supervisor Liability when Implementing Terminations” (Winter 2000)
- “Litigating Employee Restrictive Covenants Under Ohio Law” (Spring 1999)
- “Protecting the (Trade) Secrets to Your Success” (Winter 1998)
- “Raiding or Recruiting; Protecting or Defending: Finding the Balance in Employee Recruiting, Customer Solicitation and Trade Secret Management” (Spring 1996)
- “Pirates, Prisoners, and Spies – Covenants Not To Compete and Trade Secrets” (Fall 1994)

Publications

- “How to Select a Business Litigator,” *Columbus CEO Magazine* (August 2004)
- “Reference Checks and the Law,” *Council on Education and Management Newsletter* (April 2004)
- *Employment Discrimination Law*, Contributor (1998, 2001)
- “Employment Practices Liability Insurance: You Better Shop Around,” *The Employment Law Strategist* (April 1999)

Involvement

Professional Affiliations

- American Bar Association (*Labor and Employment Law Section*)
- Ohio State Bar Association (*Labor and Employment Law Section*)
- Cleveland Metropolitan Bar Association
- American Inns of Court (William K. Thomas Chapter) (*Master of the Bench, President 2010-2011*)
- Cleveland Employment American Inn of Court (*Member*)
- 8th District Judicial Conference (*Life Member*)
- The Lawyers Guild

Community Involvement

- Cleveland Metropolitan Bar Association - The 3Rs: Rights, Responsibilities, and Realities Program (*High School Classroom Volunteer 2017-present*)
- United Way of Greater Cleveland (*Campaign Cabinet, 2015*)
- Country Club of Hudson (*Member, Board of Trustees 2005-2011, 2017-present; President, 2009-2010*)

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Involvement (Cont)

Community Involvement (Cont)

- American Cancer Society - Cuyahoga Area (*Member, Board of Trustees, 2005-2008*)

Firm Involvement

- Vice Chair, Litigation Department
- Member, Management Committee
- Member, Compensation Committee

Honors & Distinctions

- Named to *The Best Lawyers in America*, Labor and Employment Law; Commercial Litigation; Employment Law – Management (2010-2021)
- Ranked as one of Ohio's "Leaders in Their Field" in Labor & Employment by Chambers USA: America's Leading Lawyers for Business (2021)
- Named a "State Litigation Star" in Ohio by *Benchmark Litigation* (2016-2021)
- Named a "Labor & Employment Star" by *Benchmark Litigation* (2019; 2020)
- AV Preeminent[®] Peer Review Rated – Martindale-Hubbell[®]
- Named to the Ohio Super Lawyers list (2007-2021)
- Recognized as one of the top 100 lawyers in the state of Ohio by Ohio Super Lawyers (2011, 2019-2021)
- Recognized as one of the top 50 lawyers in the city of Cleveland by Ohio Super Lawyers (2012, 2019-2021)

Admissions

- State of Ohio
- State of Illinois
- 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, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, District of Arizona
- U.S. District Court, Northern District of Florida