



BUCKNEWS

NOVEMBER 2022



A MESSAGE FROM STEVE DIMENGO, MANAGING PARTNER

The value of commitment

We all agree on the importance of strategic planning and goal setting – creating the map and pinpointing the destination we hope to reach. But as anyone in leadership can tell you, that’s not all you need. It’s not quite that easy to get from where you are to where you want to be. You and your team may start the journey full of hope, determination and optimism, but what

happens if you hit a few bumps along the way? Or you make a few wrong turns that set you back? How do you get back on track? Or keep going when others might want to give up or switch priorities? What is needed to get through all of the challenges and the unknowns? The vital ingredient that will make all the difference is commitment — the grit to continue to advance.

Commitment is what will guarantee success, in business or in life. As Abraham Lincoln said, “Commitment is what transforms a promise into a reality. Commitment is the stuff character is made of; the power to change the face of things. It is the daily triumph of integrity over skepticism.”

Commitment is the key to realizing your potential. It’s what pushes you through the challenges where you get to learn the hard lessons. It’s the higher purpose that helps you see beyond the immediate situation and focus on the bigger picture.

I see commitment manifested every day – by our clients, by our attorneys, our leadership team and our staff. Making a commitment requires an intentional investment of time as well as mental and emotional energy. It’s not always the path of least resistance but it nearly always pays dividends.

I personally embrace this philosophy for my life when I get up every morning at 4:30 a.m. to commence a long workout when there are many mornings I would rather not. I’ve made that commitment to myself and that’s what motivates me. I also practice commitment with my clients, often persevering in cases that others deemed to be “unwinnable.”

At Buckingham we stand committed to our clients, to our community and to each other. It’s how we’ve been around since 1913 and how we continue to thrive today. You’ll see many examples of our commitment in this publication.

Thank you for your commitment to working with Buckingham, and please know we remain steadfast in our commitment to your success, now and in the future.

A LAW FIRM FOR PEOPLE WITH HIGH STANDARDS

OUR COMMITMENT

TO MEET OUR CLIENTS' NEEDS THROUGH GROWTH

Effective August 1, 2022, the Firm of Moscarino & Treu LLP joined Buckingham with eight attorneys in our Cleveland office. Buckingham has been on a path of steady growth, both in terms of headcount as well as in expanding and deepening areas of expertise.

George Moscarino and Kris Treu founded their firm in 1998 and grew their practices over the past 24 years. Their attorneys are formidable litigators with a focus on professional liability and medical malpractice.

"Their joining us creates synergies and expansion opportunities in terms of our capacity to serve our clients," said Steve Dimengo, Buckingham Managing Partner.

"They enhance the great talent we have in Cleveland and for the Firm in general."

"Kris and I could not be happier about joining Buckingham," said Moscarino. "We were looking for a larger firm to join with practices in medical malpractice and commercial litigation to ensure the long-term success and continuity for our clients. Buckingham's external reputation as well as their internal culture makes joining them an easy decision. The transition will be seamless for clients, several of whom were already being served by both firms."

"The joining of our two firms feels natural," added Treu. "The positive culture is mutual, and the synergies between the firms will enhance our ability to serve our clients with renewed energy. We are excited for this new chapter in the life of our firm."



Dirk Riemenschneider, Health & Medicine Practice Group Leader; George Moscarino, Partner; Steve Dimengo, Managing Partner; and Kris Treu, Partner

WELCOME TO THOSE WHO JOINED THE FIRM OR WERE ADMITTED IN THE PAST YEAR:



Monica Davis



Katie Defino



Bill Falin



Steve Gross



Mitchell Kolesar



Susan Massey



George Moscarino



John Moscarino



David Robinson



Andrew Stebbins



Sydney Stroia



Kris Treu



Torrin Treu



Mary White



Christina Williams

We are also proud to welcome Marija Bellow, Megan deBruin, Ashanti Edwards, Jacob Kelly, Nicole Kirk, Kati Koneval, Diane Kotowski, Sara Lerner, Marci Moore, Lee Moscarino, Gail Richards, Griffin Spinner, Ellison Starnes, Barb Stuewe, De Anna Talley, Noah Veres, and Gabby Wittbrod.

OUR COMMITMENT TO BEING A GREAT PLACE TO WORK

At Buckingham, we dedicate the time and energy to secure an optimal culture. It's that simple. We agree that we must nurture a workplace culture that actively and intentionally:

Demands **mutual respect**

Encourages **collaboration**

Enforces **accountability**

Expects determined **effort**

Is based on **integrity**

Rewards **achievement**

Provides **flexibility and compassion**

Strives for **diversity** and
insists on **inclusion**

Supports **ambition, innovation
and creativity**

Our commitment to a thriving culture is embedded in Buckingham's DNA. The establishment of a separate committee by the Firm's Executive Committee is intended to foster and secure an optimal culture for our Firm. Our "Culture Club" is comprised of a cross section of our administrative, support and professional team members. Through these core values and by operation of the Culture Club, we strive to enhance our culture in the long term through daily discipline, regular meetings, planned actions, team engagement and training. We have high expectations and require that everyone lives up to our core cultural values.



Buckingham was recognized by *The Plain Dealer* as a Top Work Place in 2022.

OUR COMMITMENT TO BUILDING RELATIONSHIPS AND SHARING KNOWLEDGE

This year marked a return to business as usual in regard to events and we took every opportunity to reconnect with you. We hosted several Breakfast with Buckingham presentations, a series on Cybersecurity myths, the State & Local Tax Conference, The National Tax Conference, various round tables and more!



In partnership with The University of Akron School of Law we launched the inaugural Buckingham Leadership Series in September. Pictured on right: Andy Jones, **Steve Dimengo**, Dean Emily Janoski-Haelen, Malisheia Douglas, **David Myers**, Rebecca White, **Dustin Vrabel** and **Jon Stefanik**.

And, we can't forget to mention, we are also committed to having some fun with our clients and friends. In Cleveland, we have a quarterly outing called CLE+1 where we take over a popular restaurant for the evening. In Akron, we host First Thursdays throughout the year and had our first LAW-lapalooza in September. In October, Canton celebrated the season with their second annual Oktoberfest. We look forward to seeing you at one of our future events!



OUR COMMITMENT TO THE NEXT GENERATION OF ATTORNEYS



Always looking to find the best new talent, our Director of Human Resources and Talent Success **Caytie Matti** and Partner **Jon Stefanik** worked with members of The University of Akron Law School team to interview potential summer associates for next year.



Cleveland Office Partner-in-Charge **John Swansinger** meets students at Cleveland State University College of Law earlier this year.



Buckingham partners **Richard Fry** and **Justin Greenfelder** met with our summer associates over lunch in the Akron board room. We strive to give our summer associates a great experience beyond the opportunity to work alongside our attorneys, including career mentoring and social outings.

Buckingham partners **Richard Fry** and **Chris Niekamp** were at Cleveland State University College of Law recruiting for 2023 Summer Associates.



THE NEXT GENERATION *continued*



Our amazing Buckingham attorneys and summer associates spoke with students in Ohio's Law and Leadership Program about what it takes to be an attorney. Thanks go to our Diversity Committee and our Director of Human Resources and Talent Success **Caytie Matti** for making it happen.



We would like to share our gratitude for attorney **Steve Pruneski** who coached the Green High School Mock Trial team. Those smiling faces say it all. Thanks for making a difference, Steve!

We were happy to meet with a student from Jackson High School as part of StarkMentor, pictured here with paralegal **Jamie Grippi** on the left.



Buckingham business attorneys presented to the members of the business law society at Akron Law!



PRACTICE GROUP *updates*

EMPLOYMENT & LABOR

- The employment and labor group worked with clients to ensure compliance with constantly changing laws and regulations through workplace policies such as remote work and state leave obligations. Further, our team trained supervisors and employees on non-harassment and non-discrimination, as well as, ADA and FMLA requirements.
- Our team has successfully defended or negotiated resolutions to complex EEOC and state discrimination charges.
- We successfully defended employers regarding National Labor Relations Board changes, including litigation involving successorship obligations and bargaining requirements.
- We have been defending several complex workers' compensation claims before the Industrial Commission. These involve defending claim allowances, Violations of Specific Safety Requirements (VSSR), permanent total disability applications and requests for significant disability awards. We are also defending workers' compensation claims that have been appealed to court.
- We defended union organizing campaigns and negotiated collective bargaining agreements so as to avoid strikes and disruptive concerted actions.
- We consulted with and successfully defended employers in OSHA litigation, serious workplace accidents, whistleblower claims and construction site inspections.

LITIGATION

- We welcomed **Andrew Stebbins** and **Christina Williams** to the team, adding the area of internet defamation to our group.
- We welcomed **Bill Falin** to the team.
- We were able to get a temporary restraining order issued against a Defendant for continuous threatening and harassing speech online.
- We obtained a \$50,000 judgment on behalf of a client for false and defamatory Facebook posts.
- We identified and unmasked an individual in the UK who was creating fake profiles of our client on Twitter and using those profiles to spread false and defamatory statements about our client.
- We unmasked a former employee of a business who had left 19 fake 1 star reviews on our client's Google listing.
- Obtained a judgment against a website and were able to remove the site from the Internet for posting false information about our client and his business.
- We secured summary judgment on behalf of a member of the media facing claims of defamation and intentional infliction of emotional distress.

CONTINUED

PRACTICE GROUP UPDATES *continued*

BUSINESS:

- We welcomed attorneys **Mitchell Kolesar**, **Steve Gross**, **Sydney Stroia** and **David Robinson** to the team.
- We held many successful events for our clients and referral sources including the State & Local Tax Conference, The Buckingham Leadership Series, a cybersecurity webinar series and the National Tax Conference.
- Involved in structuring business succession plans for a number of companies to transition ownership to key employees and/or family members.
- Represented real estate fund in its formation and \$25mm private placement offering under Regulation D of the Securities Act of 1933.
- Group members worked on many significant financing transactions and buy-side and sell-side M&A transactions during the past 12 months. A few representative matters from the past year include:
 - o Represented a group of affiliated sellers in a \$145mm roll-up transaction with a national strategic buyer.
 - o Represented a service company in its \$63mm sale to a private equity buyer.
 - o Represented a national general contractor client in several acquisitions across the US.
 - o Advised a national manufacturing company in connection with \$600mm+ syndicated financing transaction.
 - o Advised a closely-held business in connection with ~\$90mm syndicated financing transaction.
 - o Advised a national, strategic buyer in connection with multiple \$25mm+ acquisitions.
 - o Assisted client in various stock and asset acquisitions of Amazon e-commerce businesses.
 - o Advised a manufacturer in sale of a business to strategic buyer in excess of \$10mm.
 - o Advised a manufacturing company in a \$25mm rollover transaction with a private equity buyer.
 - o Advised a software-as-a-service company in its ~\$15mm sale to a strategic buyer.



CONTINUED

PRACTICE GROUP UPDATES *continued*

REAL ESTATE & CONSTRUCTION

- We served as local counsel in the sale of a \$100mm multi-family real estate portfolio
- We represented tenants in leasing a total of over 1,000,000 square feet of office and warehouse space across the United States.
- We successfully helped a client obtain a conditional use permit which enabled them to invest \$4mm to renovate 188 market rate apartments in Kent, Ohio.
- We successfully helped a church obtain approval of a lot split on vacant property to be used to construct homes for Pastor's family despite lack of public road access to lots.
- We advised a client and monitored litigation attempting to stop Menards' purchase of their property for site of new Menards store. Trial Court dismissed neighboring property owner's administrative appeal; and, the Court of Appeals affirmed the dismissal.
- We assisted a client to obtain approval to develop three new single-family subdivisions in Sharon Township, Ohio. Successfully argued that the Township could not apply new zoning regulations to those projects because the applications for approval were filed before the new provisions became effective.

Construction Contract Advisory and Negotiation Services:
We successfully provided construction counsel on the following projects:

- Plant expansion for large international manufacturer 608,000sf/\$28mm.
- Expansion of large regional hospital facility 76,000sf/\$45mm.
- Major equipment installation for large manufacturer \$15mm.
- Represented contractor in securing favorable contract terms on \$12mm plant expansion design build project.
- Successful litigation to settlement of boundary dispute.
- Arbitration award in favor of our client. Affirmed on appeal.
- Oversaw large land donation to Medina County Park District.

HEALTH & MEDICINE

- We welcomed **Monica Davis** to the team.
- On August 1 the former Moscarino & Treu LLP team joined Buckingham's Cleveland office (see full story on [page 2](#)).

TRUSTS & ESTATES:

- Successfully completed very substantial Florida probate administrations on behalf of Personal Representatives residing in Northeast Ohio.
- **Mike Wear** named program chair for the 2022-23 Estate Planning Council of Cleveland.



OUR COMMITMENT TO THE COMMUNITY

Our attorneys, our staff and our families love serving the communities where we work and live. Many of our attorneys serve on boards and volunteer at numerous non-profits throughout Northeastern Ohio in hopes of making our region a better place to live. In 2022 we supported dozens of organizations and attended events including dinners, galas, award ceremonies, running events and much more.





ALL A-BOARD!



Katie Duffy



Dominic Frisina



James Kraus



Matt Smith



Michael Wear



Andrew Zellers



Caytie Matti

Congratulations on board appointments: **Katie Duffy** (Girls on the Run); **Dominic Frisina** (Milestones Autism Resources); **Matt Smith** (North Coast Community Homes); **Michael Wear** (Stepstone Academy); and **Andy Zellers** (Tinkers Creek Watershed Partners Board); to **James Kraus** (National Inventors Hall of Fame) for his re-election to the board and appointment to its executive committee; and to **Caytie Matti** for being elected President of the Association of Legal Administrators.



Managing Partner **Steve Dimengo** and his wife Tina served as honorary co-chairs of the 2022 OPEN M Gala that raised more than \$100,000 for OPEN M's vital work in health, employment and food services for those in need.



OUR COMMITMENT TO DIVERSITY & INCLUSION

Always learning and growing to serve the needs of our clients, in October the entire Firm convened to participate in a diversity session led by The Diversity Center of Northeast Ohio.



STEVE DIMENGO RECEIVES AKRON SCHOOL OF LAW DISTINGUISHED ALUMNI AWARD

Managing Partner **Steve Dimengo** received The University of Akron School of Law 2022 Outstanding Alumni Award. This award is presented to a living graduate of Akron Law who has demonstrated service to Akron Law, the community and/or profession; possesses outstanding professional accomplishments; and consistently demonstrates professional integrity. Congratulations, Steve! Pictured on the right with Akron School of Law Dean Emily Janoski-Haehlen.



NOTABLES IN LAW

Steve was also recognized by *Crain's Cleveland Business* as a Notables in Law honoree.

BRAVO! *continued*

Congratulations to our attorneys who have been honored with admittance into prominent community leadership programs or who are award winners in the legal community! We're very proud of their accomplishments!



Nathan Fulmer
2022 Torchbearers



David Myers
CMBA Leadership Academy



Rich Fry
Graduated
Leadership Akron Class 38



Caytie Matti
Crain's Cleveland Business
HR Excellence Finalist



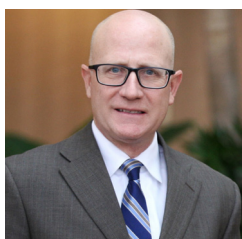
Lucas Murray
Graduated
Leadership Stark County Class 35



Monica Davis
Ladder Down



Patricia McIntyre
2022 Hoban High School Knight
Award



Chris Niekamp
Selected
Leadership Akron Class 39



Our team enjoyed the Akron Bar Association's Law Week Luncheon. We were honored to receive the Wendell L. Willkie award for outstanding and increased support of the United Way of Summit and Medina campaign.

Congratulations to our 2023 Best Lawyers® in America

John F. Bodie, Jr.	Medical Malpractice Law – Defendants, Personal Injury Litigation - Defendants
William L. Caplan	Commercial Litigation, Environmental Law, Real Estate Law
Steven A. Dimengo	Commercial Litigation, Litigation and Controversy – Tax, Tax Law
Carl J. Dyczek	Banking and Finance Law, Real Estate Law
Michael A. Ellis	Corporate Law
William H. Falin	Commercial Litigation
Joseph J. Feltes	Health Care Law
Richard B. Fry III	Tax Law
Victor T. Geraci	Employment Law – Management, Labor Law - Management
Jeffrey A. Halm	Trusts and Estates
Stephen M. Hammersmith	Banking and Finance Law
Stephen H. Jett	Litigation - Real Estate
Patrick J. Keating	Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Commercial Litigation, Litigation - Banking and Finance, Litigation - Bankruptcy
James D. Kraus	Commercial Litigation, Corporate Law
David J. Lindner	Real Estate Law
Robert W. Malone	Litigation and Controversy – Tax, Mergers and Acquisitions Law, Tax Law
George M. Moscarino	Commercial Litigation, Legal Malpractice Law – Defendants, Medical Malpractice Law - Defendants
Patricia A. Pacenta	Trusts and Estates
Dirk E. Riemenschneider	Medical Malpractice Law - Defendants
Carmen V. Roberto	Criminal Defense: General Practice
Susan C. Rodgers	Employment Law – Management, Labor Law – Management, Litigation - Labor and Employment
Robert E. Roland	Banking and Finance Law, Business Organizations (including LLCs and Partnerships)
Mark J. Skakun III	Bet-the-Company Litigation, Commercial Litigation, Criminal Defense: White-Collar, Litigation - Intellectual Property, Litigation – Patent, Product Liability Litigation - Defendants
Jon R. Stefanik	Business Organizations (including LLCs and Partnerships), Mergers and Acquisitions Law
Jude B. Streb	Litigation - Insurance
Kris H. Treu	Commercial Litigation, Legal Malpractice Law – Defendants, Medical Malpractice Law - Defendants
Patrick J. Weschler	Trusts and Estates
Ronald F. Wayne	Litigation - Trusts and Estates, Trusts and Estates

2023 Best Lawyers® in America - Lawyers of the Year



Patrick Weschler
Trusts & Estates



Mark Skakun III
Litigation

The following attorneys are being recognized as Best Lawyers: Ones to Watch in America®:



Katie Duffy
Labor and Employment
Law - Management



Lucas Murray
Business Organizations (including LLCs
and Partnerships), Corporate Law,
Mergers and Acquisitions Law, Real
Estate Law

2022 Super Lawyers®

Akron: **Steven A. Dimengo, Patrick J. Keating, Robert W. Malone, Christopher J. Niekamp, Patricia A. Pacenta, Susan C. Rodgers, Jon R. Stefanik**

Canton: **Joseph J. Feltes, Mark J. Skakun III, Jude B. Streb**

Cleveland: **Carl J. Dyczek, Stephen H. Jett, Dirk E. Riemenschneider, Ronald F. Wayne**

2022 Ohio Super Lawyers® Rising Stars include:



Rich Fry



Stephen Gross



Lucas Murray

BRAVO! *continued*

Firm Leadership

Congratulations on re-election as Managing Partner:



Steve Dimengo

Congratulations to the newest member of our Executive Committee:



John Swansinger

Congratulations our newest Shareholders, elected in 2022:



Lucas Murray



Joshua O'Farrell



MAY YOU HAVE A HAPPY AND HEALTHY HOLIDAY SEASON. BEST WISHES FOR THE NEW YEAR!