

# JUSTIN S. GREENFELDER

Partner | Canton  
330.491.5230  
jgreenfelder@bdbl.com

ASSISTANT  
Michelle C. Reese | mreese@bdbl.com

AREAS OF PRACTICE  
Litigation  
Intellectual Property  
Health & Medicine



I am a trial lawyer with a focus on complex civil litigation. I represent businesses from *Fortune 500* companies to local start-ups on matters involving patents, trade secrets, trademarks, trade dress, copyrights and other intellectual property disputes. Additionally, my background in the sciences enables me to successfully litigate matters on behalf of healthcare providers where science, medicine and the law converge.

I believe that clients are best served by a lawyer who takes the time to generate creative resolutions, both in and out of the courtroom, and has the experience to win trials when necessary. My experience in the courtroom allows me to guide my clients through complex disputes in a way that lessens the ambiguity of litigation and offers them a sense of assurance.

My ability to formulate and execute legal strategies, in consultation with my clients, allows us to obtain positive results. I know how hard clients have worked to create and grow their businesses, and so I will work just as hard to protect yours.



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## EXPERIENCE

- Focuses on complex business and commercial litigation
- Represents clients in civil litigation in federal and state courts, including unfair competition, false advertising, non-compete, trade secret litigation; patent, copyright, trademark and trade dress litigation; medical malpractice defense; products liability defense; defense of civil rights cases against prison medical providers; residential and commercial property and title disputes; commercial landlord/tenant disputes; and complex probate matters, including will contests, guardianships, and breach of fiduciary duty issues
- Advises clients in matters related to cybersecurity and data breaches
- Serves as an appellate practitioner and has advocated on behalf of clients in nearly every appellate court in Ohio and in Sixth Circuit Court of Appeals
- Joined the firm as an associate in 2004; was elected partner in 2012

## SIGNIFICANT CASES

- FirstMerit Bank, N.A. v. Akron Gen. Med. Ctr., 5<sup>th</sup> Dist. Stark No. 2017CA00134, 2018-Ohio-2689 (July 9, 2018) – obtaining judgment for non-profit organization in dispute over trust funds directed to former Massillon Community Hospital, applying cy pres doctrine.
- Bolson Materials International, Inc. v. 3D Systems Corporation, 2017 WL 4169644 (N.D. Ohio, Sept. 20, 2017) – obtained summary judgment for 3D printing filament manufacturer on customer’s claims related to alleged breach of non-compete agreement. Also obtained summary judgment for clients on counterclaim for breach of contract. Argued before Sixth Circuit Court of Appeals on April 26, 2018. Listen to oral argument here.  
[http://www.opn.ca6.uscourts.gov/internet/court\\_audio/aud1.php](http://www.opn.ca6.uscourts.gov/internet/court_audio/aud1.php)
- Eigel v. Utility Pipeline, Ltd., Case No. 5:17-cv-0328 (N.D. Ohio, July 28, 2017) – obtained preliminary injunction for minority shareholder to prevent former employer and majority shareholders from withholding over \$6,000,000 due to client following employer’s merger on condition that minority shareholder agree to post-closing restrictive covenants.
- Evans v. Frantz, 2017 WL 2345601 (N.D. Ohio, Apr. 25, 2017) – obtained dismissal of complaint by inmate against jail medical providers on claims under 8<sup>th</sup> and 14<sup>th</sup> Amendment for deliberate indifference to medical needs.
- Polar Products, Inc. v. Techniche International, Case No. 5:15-cv-02608, 2016 WL 5118338 (N.D. Ohio, Sept. 20, 2016) – obtained dismissal of complaint for trademark infringement for lack of personal jurisdiction.
- Croston v. Massillon Chiropractic Clinic, 5<sup>th</sup> Dist. Stark No. 2014CA00108, 2015-Ohio-25 – involving



a plaintiff's obligation to produce medical records in a medical malpractice case.

- *Van Meter v. County of Hancock*, 2014 WL 7174365 (N.D. Ohio, Dec. 8, 2014) – obtained summary judgment on constitutional claims by inmate against jail medical providers for deliberate indifference to medical needs.
- *Allstate Property and Cas. Ins. Co. v. Mercury Plastics*, 2014 WL 4635608 (D.Nev., Sept. 12, 2014) – obtained exclusion of plaintiff's expert witness in complex products liability case representing manufacturer of components of water heater.
- *Farmer v. Scioto County Bd. Of Commissioners*, 2014 WL 3734334 (S.D. Ohio, July 29, 2014) – obtained dismissal of complaint by inmate against jail medical providers and county sheriff on claims for constitutional violations and medical negligence.
- *Bailey v. Manor Care of Mayfield Hts.*, 4 N.E.3d 1071, 2013-Ohio-4927 (8<sup>th</sup> Dist.) – involving privilege of nursing home incident reports.
- *Kirshner v. Fannie Mae*, 969 N.E.2d 340, 2012-Ohio-286 (6<sup>th</sup> Dist.) – obtained summary judgment in lien priority dispute involving judgment creditor's attempt to levy upon debtor's equitable interest in property.
- *One West Bank, FSB v. Miller*, 5<sup>th</sup> Dist. Holmes No. 11CA013, 2011-Ohio-6467 – obtained summary judgment in lien priority dispute based on application of equitable estoppel doctrine.
- *Georgopoulos v. Humility of Mary Health Partners*, 195 Ohio App.3d 133, 958 N.E.2d 1268, 2011-Ohio-3123 (11<sup>th</sup> Dist.) – obtained summary judgment for hospital on physician's claims of antitrust and unfair competition relating to peer review action.
- *AultCare Corp. v. Roach*, 5<sup>th</sup> Dist. Stark No. 2008CA00287, 2009-Ohio-6186 – member of litigation team that obtained summary judgment and permanent injunction against former broker in action for breach of contract and defamation.
- *Rinderle v. Whispering Pines Health Care Center*, 12<sup>th</sup> Dist. Fayette No. CA2007-12-041, 2008-Ohio-4168 – obtained affirmance of judgment granting nursing home's motion to stay proceedings and enforce arbitration agreement.
- *Ponder v. Kamienski*, 9<sup>th</sup> Dist. Summit No. 23270, 2007-Ohio-5035 – obtained jury verdict for cardiovascular surgeon following two-week jury trial which was affirmed on appeal. Also obtained sanctions against plaintiff for frivolous conduct for failure to dismiss assistant surgeon despite lack of evidence supporting claim of malpractice.



## EDUCATION & ADMISSIONS

The University of Akron School of Law, Akron, Ohio (J.D., cum laude, IP certificate program, 2004)  
Denison University, Granville, Ohio (B.A., 2001)

### Admissions

Ohio Bar (2004)  
U.S. District Court, Northern District of Ohio  
U.S. District Court, Southern District of Ohio  
U.S. Court of Appeals, Sixth Circuit

## AWARDS & HONORS

Selected for inclusion in Ohio's Super Lawyers® - Rising Stars™ (2009-2018), as voted by his peers

## PROFESSIONAL & CIVIC INVOLVEMENT

Councilman: Meyers Lake Village, Ohio  
President: Shelter Cove Association, Inc.  
Board of Directors: The Wilderness Center, Wilmot, Ohio  
Member: University of Akron Intellectual Property and Trademark Law Association  
Member: Defense Research Institute  
Member: Denison University "Varsity D" Society  
Member, Board of Directors: Jackson Friends Church  
Legal Advisor: Jackson High School Mock Trial Team  
Coach: AAU Youth Basketball  
Coach: Canton Central Catholic High School Basketball (current)

### Past Affiliations

Board of Directors, Member and Coach: Jackson Youth Basketball Association (2005-2010)  
Coach: Jackson High School Baseball (2000-2004)  
Coach: Glen Oak High School Basketball (2010-2012)  
Coach: Doylestown Chippewa High School Basketball (2014-2017)

### Associations

Member: American Bar Association (Sixth Circuit reporter: ABA TIPS Appellate Advocacy Committee Newsletter, Appellate Advocacy General Committee Vice Chair)  
Member: Akron Bar Association



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Member: Stark County Bar Association



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