



## Jeffrey C. Sindelar, Jr.

### Counsel

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Jeff Sindelar develops winning strategies for clients in high-stakes litigation in trial and appellate courts across the United States.

In every matter, Jeff keeps an eye towards the most efficient, effective path to victory for clients. He leverages his background as an appellate lawyer to devise litigation strategies to achieve success on dispositive motions and preserve those wins before appellate courts. Jeff has successfully defended clients on matters involving antitrust, contract disputes, construction accidents, consumer class actions, copyrights, drug and medical device products liability, medical malpractice, and toxic torts. He devotes a significant portion of his practice to defending FDA-regulated medical devices and drugs in federal multidistrict and state court litigation and, as a result, has gained a thorough understanding of the Federal Food, Drug, and Cosmetic Act and FDA regulations. He is frequently called upon to develop litigation strategy in high-profile, complex cases, including navigating contentious disputes regarding e-discovery.

Jeff began his legal career as a law clerk to the Honorable Deborah L. Cook, U.S. Court of Appeals for the Sixth Circuit. He then worked on John McCain's 2008 United States presidential campaign before entering private practice in Cleveland.

Jeff lives in Broadview Heights with his wife and daughter. In his free time, he enjoys walking his dogs, running, and exploring the trails of the Cuyahoga Valley National Park.

### Education

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- Harvard Law School (J.D., cum laude, 2007); Harvard Journal of Law and Public Policy
- Ohio Wesleyan University (B.A., summa cum laude, 2004); Phi Beta Kappa

### **State Admissions**

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- Ohio, 2008
- Illinois, 2007

### **Federal Admissions**

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- United States Court of Appeals, Eighth Circuit
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Tenth Circuit
- United States Court of Appeals, Eleventh Circuit
- United States District Court, Eastern District of Michigan
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

### **Service Areas**

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- Appellate & Legal Issues
- Business Litigation
- Class Action Litigation
- Construction
- Copyright Law
- eDiscovery
- Mass Tort & Product Liability
- Life Sciences Litigation
- Health & Life Sciences
- Food, Cosmetics & Dietary Supplements

## Experience

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- Obtained complete affirmance of summary judgment win for breast implant manufacturer before U.S. Court of Appeals for the Ninth Circuit based on MDA preemption and holding that district court did not err in excluding testimony of all three of plaintiff's proposed experts under *Daubert*
- Drafted summary judgment briefing on behalf of jeweler in copyright action against jewelry manufacturer and retail chain store
- Obtained dismissal of appeal in wrongful death and survival action against nursing home based on pro se plaintiff's unauthorized practice of law
- Defended major hospital system in litigation arising out of fatal construction site accident
- Obtained affirmance of district court's denial of plaintiff's attorneys' fees motion under California's catalyst statute on behalf of nutritional supplement manufacturer before U.S. Court of Appeals for the Ninth Circuit
- Obtained summary judgment for medical device company in dozens of MDL cases on statute of limitations grounds in lawsuits involving injuries allegedly caused by pelvic mesh
- Negotiated favorable termination agreement on behalf of client to resolve litigation regarding termination of software license agreement
- Obtained complete affirmance of summary judgment win for military defense contractor before U.S. Court of Appeals for the Ninth Circuit, establishing in a case of first impression that a naval warship is not a "product" for purposes of product liability claims and affirming the substantial contributing factor test in asbestos exposure cases
- Obtained affirmance of district court's dismissal of complaint and denial of motion for leave to amend negligence and strict liability claims on behalf of military defense contractor before U.S. Court of Appeals for the Ninth Circuit
- Drafted briefing to exclude adverse event reports in state court pharmaceutical products liability case
- Represented software company in lawsuit to recover license fees based on unauthorized use of software
- Negotiated favorable settlement on behalf of client in adverse possession case
- Defended diabetes medication manufacturer against product liability claims in state and federal courts, resulting in several complete defense verdicts
- Drafted amicus brief for the Ohio Association of Civil Trial Attorneys in case of first impression interpreting the Ohio workplace intentional tort statute
- Drafted brief for hospital in Ohio state court resulting in upholding of constitutionality and application of Ohio's noneconomic damages cap for medical malpractice actions
- Represented national consumer subscription content provider in putative antitrust class action litigation, obtaining dismissal of several counts on summary judgment and leading to favorable resolution for client
- Defended Fortune 500 company in putative class action involving consumer fraud allegations

## Publications & Events

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### SPEAKING ENGAGEMENTS

- “New Topics and Trends in Professional Liability,” OACTA Webinar (November 2021)
- “The Constitutionality and History of Vaccine Mandates in the United States,” The Bob Frantz Authority (August 2021)
- “Civil Liberties-Focused Supreme Court Term in Review,” Panelist, 2020 In-House Counsel Summit Webinar, Tucker Ellis LLP (November 2020)
- “Ohio’s Bail Reform Amendments,” The Bob Frantz Authority (January 2020)
- “The Supreme Court Year in Review,” 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- “The Constitutionality of The National Popular Vote Interstate Compact,” The Bob Frantz Authority (June 2019)
- The Todd Allyn Show, Legal Analyst
  - » “Judicial Misconduct in Pennsylvania and the Roger Stone Sentencing” (February 2020)
  - » “Harvard Fires Ronald S. Sullivan Jr. for Representing Harvey Weinstein” (May 2019)
  - » “The Mueller Report and Jussie Smollett Case” (April 2019)
  - » “Harvard Student Outrage Over Ronald S. Sullivan Jr. Representation of Harvey Weinstein” (March 2019)
- “The Supreme Court Year in Review,” 2018 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2018)
- “The Supreme Court Year in Review – 2016-2017 Term: Mapping the New Court’s Uncertain Course,” 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)
- “U.S. Supreme Court Round-Up,” 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015, October 2016)

### PUBLICATIONS

- [eDiscovery: 2019 Year in Review](#)
- “Scheining a Light on Arbitrability: Not a Wholly Groundless Exercise,” *Lingua Negoti* (January 2019)
- “Excluding Adverse Event Reports in Drug and Medical Device Cases,” *Bloomberg BNA Pharmaceutical Law & Industry Report* (November 2015)
- “Of Form and Function: Lockean Political Philosophy and Mass Tort,” 90 NEB. L. REV. 887 (2012)
- “Proteins and Fats and Carbs, Oh My! Escaping the Hysteria of Dieting in America,” *Food & Drug Law: An Electronic Book of Student Papers*, Peter Barton Hutt, Ed. (May 2007)

### MEDIA

- “[Legal Tech’s Predictions for E-Discovery in 2020](#),” *Legaltech News* (December 2019)

### **In the Community**

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- Cleveland Association of Civil Trial Attorneys, President
- Cleveland Metropolitan Bar Association, 3Rs Program Team Leader
- Domestic Violence and Child Advocacy Center, Board President
- Harvard Law School Association of Cleveland
- Ohio Association of Civil Trial Attorneys
- Ohio Men's Action Network, Steering Committee Member
- Ohio State Bar Association
- Stratford Village Neighborhood Association, Vice President