



## Karl A. Bekeny

### Partner

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Tucker Ellis Trial Department Chair Karl Bekeny oversees the firm's largest department, which consists of approximately 150 trial lawyers and another 50 paralegals and case assistants.

Karl's trial practice focuses on commercial litigation and product liability defense, including litigation involving public utilities, consumer products, and warranties; defending manufacturers and suppliers against alleged violations of state and federal consumer protection statutes; and advising clients on emerging worldwide consumer product safety issues.

Karl has a nationwide class action practice in these areas and beyond, including litigation involving ERISA, public pension systems, consumer claims, consumer advertising, and insurance coverage disputes.

Karl was a member of a Special Counsel team that represented the Ohio Department of Insurance. When representing insurance carriers, his practice often involves coverage disputes, rescission claims, and insurance bad faith actions. He defends foreign and domestic insurers in connection with claims involving policies ranging from director and officer liability to food contamination.

A native Clevelander, Karl enjoys all that living on the Great Lakes has to offer, including the snow. He and his wife Amanda, a classical musician, frequent the city's abundant musical offerings.

### Education

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- University of Wisconsin Law School (J.D., cum laude, 2002)
- The College of Wooster (B.A., magna cum laude, 1999); Phi Beta Kappa

### **State Admissions**

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- Ohio, 2002
- Wisconsin, 2002

### **Federal Admissions**

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- Supreme Court of the United States
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Tenth Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio
- United States District Court, Eastern District of Wisconsin
- United States District Court, Western District of Wisconsin

### **Service Areas**

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- Business Litigation
- Class Action Litigation
- Insurance
- Consumer Product Safety
- Financial Services Litigation
- Mass Tort & Product Liability
- ERISA Litigation
- Commercial Asset Recovery & Protection
- Food, Cosmetics & Dietary Supplements

## Experience

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- Currently representing a myriad of colleges and universities in a class action involving injuries sustained by college athletes
- Represented a product manufacturer in consumer class action litigation and obtained dismissal of all eight claims for relief alleging that a warranty failed of its essential purpose because the product was allegedly defective at the time of purchase
- Obtained affirmance of the trial court's finding that plan participants were entitled to enhanced pension benefits in a class action case involving ERISA benefits and breach of fiduciary duty
- Obtained partial summary judgment and eventual dismissal of a consumer class action involving alleged overcharging for deposition index pages
- Served as part of the defense team that defeated class certification and obtained summary judgment in a consumer class action involving an artificial sweetener
- Represented a major insurance carrier in a class action brought by insureds seeking medical payments coverage and obtained a voluntary dismissal of the case after dispositive briefing
- Successfully represented an insurance carrier from the trial court all the way through the Utah Supreme Court in a dispute with a real estate developer insured that sought professional liability coverage for a failed real estate development
- Obtained summary judgment on behalf of a specialty insurance carrier in bad faith litigation where the court resolved an issue of first impression as to whether coverage extends to a claim arising from a food recall when there is no actual contamination
- Represented major insurance carriers in sophisticated coverage litigation arising out of interpretations of CGL policies; cases included coverage for asbestos-related injuries and bad faith allegations
- Represented product manufacturers in contract disputes over failure to provide an operational material handling system
- Represented large mortgage companies and banks as amici before the Ohio Supreme Court where the Court issued a unanimous decision that mortgage contract conditions requiring payment of costs and fees to terminate a foreclosure and reinstate the loan was not contrary to Ohio statutory or decisional law or against Ohio public policy
- Obtained summary judgment for third-party defendants and prosecuted a complex commercial dispute against an Israeli company
- Obtained a defense verdict in a fraud lawsuit brought against a Michigan car dealership
- Represented product manufacturers in regulatory matters before the Consumer Product Safety Commission

## Publications & Events

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### SPEAKING ENGAGEMENTS

- “Male Perspective Panel,” Ladder Down Cleveland (November 2021)
- “Food Contamination and Coverage Issues,” Hot Topics in Commercial General Liability (CGL) Insurance, Cleveland Metropolitan Bar Association, Cleveland, Ohio (June 2016)
- “Case Law Update: New Developments in Ohio Bad Faith Law,” co-presented at the CMBA Insurance Law Spring Seminar “The Good, the Bad, and the Ugly: Ohio Insurance Bad Faith Law 2015,” Cleveland Metropolitan Bar Association, Cleveland, Ohio (May 2015)
- “A Primer on Defending Insurance Class Actions,” Ohio Association of Civil Trial Attorneys (OACTA), Westfield Center, Ohio (April 2015)
- “Ten Questions You Don’t Want From Your Client,” Ohio Professional Conduct Program, Tucker Ellis LLP, Cleveland, Ohio (December 2014)
- “Recent Developments in Class Action Certification,” Tucker Ellis Mass Tort & Product Liability Group Seminar (February 2014)
- “Potential Pitfalls of Representing the Company and Its Employee,” Tucker Ellis Ethics, Professionalism & Substance Abuse Seminar (December 2013)
- “Understanding Director and Officer Liability Insurance,” presented at “Ohio Insurance Law Unmasked: Scary Coverage Concepts,” Cleveland Metropolitan Bar Association (October 2013)
- “International Compliance and Regulations: Insights Into Varying Requirements Among U.S. Trading Partners,” presented at the 2013 Advanced Product Safety Management Course, John Cook School of Business, Center for Supply Chain Management, Saint Louis University (September 2013)
- “Anatomy of a Complex GL Claim: Professional and Ethical Duties of Insurer-Retained Counsel,” presented at the Cleveland Metropolitan Bar Association, Insurance Law Section Seminar (November 2012)
- “Navigating the New ‘Worldwide Web’ of Consumer Product Safety,” presented at the Cleveland Metropolitan Bar Association (March 2012)
- “CPSIA/Navigating the ‘Worldwide Web’ of Consumer Product Safety,” presented at “An Exclusive Program to Discuss Legal Issues Related to Commercial and Consumer Transactions and Social Networking Sites” (November 2011)
- “Publicly Available Consumer Product Safety Information Database,” presented at the Cleveland Metropolitan Bar Association (February 2011)

### PUBLICATIONS

- *Ohio Insurance Coverage* (2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 Editions), Thomson Reuters
- “Ohio,” *Insurance Policy Rescission Compendium*, DRI Defense Library Series (2019)
- “Defending Class Actions,” Contributor, *Corporate Disputes* (Jan-Mar 2019)
- “Status Quo Maintained: Supreme Court of Delaware Precludes Stockholder Derivative Claims,” American Bar Association, *Class Actions & Derivative Suits* (Spring 2018)
- “Ohio,” *Duty to Defend Compendium*, DRI (2016)
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“It’s Not Form Over Substance – Procedural Fundamentals of Making and Reviewing a Claim,”  
*Cleveland Metropolitan Bar Association Journal* (February 2014)

- “Recall in Aisle 5! The Importance of Retailers’ Compliance with Consumer Product Safety Regulations,” *Chain Store Age* (December 2012)
- “Unpeeling the Layers of Recall, Contamination Policies,” *Law360* (March 2012)
- “A New ‘World Wide Web’ – The Sticky Implications of Consumer Product Safety Regulations in Canada, Australia, the EU and Japan,” Client Alert (June 2011)
- “The Publicly Available Consumer Product Safety Information Database,” Instructional outline and worksheet published for a CLE program sponsored by the Cleveland Metropolitan Bar Association (February 2011)
- “Manufacturers Beware: The CPSC Approves the First Public Database for Consumer Complaints,” Client Alert (December 2010)
- “Passage of the Proposed Rule on the Publicly Available Consumer Product Safety Information Database,” Client Alert (June 2010)

### **Honors**

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- The Best Lawyers in America® (2019-2022)
- Ohio Super Lawyers® (2021)
- Ohio Super Lawyers Rising Stars® (2010-2013, 2015-2017)
- Justice for All Award, Cleveland Bar Association (2006)

### **In the Community**

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- Cleveland Metropolitan Bar Association
  - » Executive Committee Member (2014-2015)
  - » Board Trustee (2012-2015)
  - » The 2013 Great Lakes Symposium
    - » Seminar Planning Committee (2016)
    - » Seminar Chair (2013)
  - » CLE Committee, Chair (2010-2011)
  - » Justice for All Committee, Chair (2007-2008)
  - » Volunteer Lawyers for the Arts, Chair (2003-2005)
  - » Insurance Law Section Member
  - » 3Rs Volunteer
- Defense Research Institute
- The Honorable William K. Thomas American Inn of Court, Associate (2006-2009)