



Seth J. Linnick

Partner

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Seth Linnick combines forward-thinking litigation strategies with a strong business acumen to deliver a better experience and superior financial results for clients.

As the co-founder and chair of the Tucker Ellis Commercial Asset Recovery & Protection Group, Seth primarily focuses his practice on plaintiff-side business disputes. He routinely leads teams prosecuting complex business cases arising from commercial contract disputes, such as those involving suppliers or vendors, and he has extensive experience in both prosecuting and defending post-transaction claims for breaches of representations and warranties, as well as fraud.

Seth's approach to commercial disputes sets him apart from many of his peers in large, defense-oriented law firms. First, Seth understands that businesses should be working to avoid litigation whenever possible. It can be costly, stressful, and divert valuable human resources away from their best and highest uses. Accordingly, Seth consistently positions clients to achieve their objectives without ever needing to file a lawsuit. This typically requires extensive pre-suit fact investigation and discovery, legal research and analysis, thorough exploration of potential business solutions, and, in many cases, the use of pre-suit alternative dispute resolution mechanisms, such as mediation. By working diligently to understand and develop the facts and legal underpinnings of matters at their inception, Seth often can force opposing parties to confront their exposure before lawsuits are filed, achieving quick, cost-effective results for clients.

Second, if or when litigation arises, Seth manages cases like a CEO instead of a lawyer. His teams are lean, their actions are purposeful, and every strategic decision must pass a cost-benefit analysis. Rather than reflexively filing every motion, deposing every witness, and picking every fight, Seth's teams are laser-focused on efficiently moving cases toward the client's ultimate goals.

Finally, in the courtroom, Seth is adept at putting clients in a position to succeed. He began his career at one of the world's largest law firms and has spent nearly a decade at Tucker Ellis. Seth

cultivated his oral advocacy skills under some of the premier trial lawyers in America, and he excels at turning complex fact patterns into cogent, relatable stories for judges and juries. He has prevailed for clients at trials in both state and federal courts across the United States.

Seth's unorthodox approach to litigation also influences his approach to client engagements. A longtime skeptic of the billable hour, Seth works to align financial incentives with client objectives. He is a firm believer that compensation is better measured by results achieved than time expended, and, as a result, he frequently works with clients under a variety of alternative fee arrangements, including flat fees, incentive fees, and contingency fees.

Seth was born and raised in Northeast Ohio. He and his two children reside in Cleveland's Duck Island neighborhood.

Education

- The Ohio State University Moritz College of Law (J.D., magna cum laude, 2008)
- The George Washington University (B.A., summa cum laude, 2005)

State Admissions

- Ohio, 2008

Federal Admissions

- United States District Court, District of North Dakota
- United States District Court, Northern District of Ohio
- United States District Court, Eastern District of Wisconsin

Service Areas

- Business Litigation
- Class Action Litigation
- Mass Tort & Product Liability
- Life Sciences Litigation
- Commercial Asset Recovery & Protection
- Health & Life Sciences

Experience

- Co-lead counsel in a jury trial for plaintiff steel manufacturer that resulted in a verdict of over \$1.2 million for breach of contract in Ohio state court
- Represented a manufacturer in a federal breach of contract action against a machine parts supplier, resulting in a favorable pretrial settlement
- Represented private equity firms in post-transaction claims alleging breaches of contractual representations and warranties and fraud, resulting in millions of dollars in recoveries
- Co-lead class counsel in a plaintiff-side shareholder derivative action alleging securities violations and breaches of fiduciary duties resulting in favorable settlement
- Represented both individuals and businesses in plaintiff-side legal malpractice cases resulting in millions of dollars in settlements
- Represented a major retailer in the prosecution of fraud and business tort claims against a vendor resulting in a favorable settlement
- Served as second chair in a federal jury trial for a commercial and industrial products distributor client securing a complete defense verdict on contract and fiduciary duty claims brought by a former partner of the LLC and prevailing on counterclaim alleging misappropriation of trade secrets; authored and argued successful *Daubert* motion resulting in exclusion of key opinions of plaintiff's damages expert
- Served as a member of a trial team that obtained a complete defense verdict in a multidistrict litigation bellwether case in the Middle District of Georgia for an international medical device manufacturer of transvaginal mesh
- Granted summary judgment on behalf of a credit reporting agency in a case brought by a consumer alleging violations of the Fair Credit Reporting Act

Publications & Events

SPEAKING ENGAGEMENTS

- "Asset Recovery: Being a Plaintiff in Commercial Litigation," Ohio State Bar Association WebCast (May 2018)
- "Watch Your Mouth: Employee Communications in the Age of Social Media," 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)

PUBLICATIONS

- "Protecting Assets and Preserving Claims During the COVID-19 Crisis," Tucker Ellis Client Alert (March 2020)
- "Coronavirus Impact and Contract Performance: Understanding Options," Tucker Ellis Client Alert (March 2020)
- MORTON F. DALLER, *Tort Law Desk Reference: A Fifty-State Compendium*, 2012 Edition, Aspen Publishers 2012 (May 24, 2012) (Ohio Chapter)
- *Solving the Nonlawyer Mediator Dilemma: The Need for Flexible Unauthorized Practice Standards*, Mayhew-Hite R. on Disp. Res. and Cts Volume 5 Issue 3 (2008)

Honors

- Ohio Super Lawyers Rising Stars® (2014-2021)

In the Community

- Cleveland Metropolitan Bar Association
- Susan G. Komen Northeast Ohio, Associate Board Member