



## Daniel J. Rudary

**Partner and Co-Chair, Business and Tort Litigation Group**



Dan is a trial attorney concentrating his practice in the areas of employment and civil rights, general business and commercial litigation, appellate advocacy, governmental liability and public law. Dan has tried cases to verdict in both state and federal court and has argued before the Supreme Court of Ohio, the Sixth Circuit Court of Appeals, and several of Ohio's intermediate appellate district courts. He regularly defends individual, collective, and class action claims brought against employers, educational institutions, state agencies, and municipalities.

See Daniel's Supreme Court of Ohio [argument](#) on behalf of Sterilite in *Lunsford v. Sterilite of Ohio, LLC*.

### Contact Information

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### Education

**Case Western Reserve University School of Law**, cum laude

**The University of Richmond**, B.A., summa cum laude

### Overview

Dan has been recognized by Ohio Super Lawyers as a Rising Star each consecutive year from 2019-2023. Rising Stars are selected by their peers as the top up-and-coming attorneys who are under 40 or who have been practicing for 10 years or less. Only 2.5 percent of the attorneys in Ohio are named to the Rising Stars list each year.

Dan graduated from Case Western Reserve University School of Law, cum laude, and the University of Richmond, summa cum laude, with a Bachelor of Arts degree in History. As a second year law student, Dan won Case Western Reserve's Dean Dunmore Moot Court Competition and subsequently served as president of the law school's moot court board. While in law school, Dan also served on the editorial staff of *Health Matrix: Journal of Law-Medicine*, which published his note on free-exercise challenges to the Affordable Care Act's contraceptive coverage mandate in March 2013. Dan's honors also include membership in the Order of Barristers, the Paul J. Hergenröder Award for Trial Tactics, and membership in the Phi Beta Kappa national honorary society.

### Courts & Bar Associations

- Cleveland Employment American Inn of Court
- Ohio Supreme Court
- Supreme Court of the United States

- United States Court of Appeals for the Sixth Circuit
- United States District Court for the Northern District of Ohio
- United States District Court for the Southern District of Ohio
- United States District Court for the Western District of Michigan
- United States District Court for the District of Colorado

## Professional Honors & Awards

- Best Lawyers: Ones to Watch® in America - Commercial Litigation and Litigation: Labor & Employment (2023-2024)
- Ohio Super Lawyers "Rising Stars" - Business Litigation (2019-2024)
- America's Top 100 High Stakes Litigator® 2020. Only the top 100 qualifying attorneys in each state receive this honor. Candidates are selected based on professional experience, litigation experience, significant case results, representative high stakes matters, peer reputation, and community impact. With extremely high standards for selection, less than one-half percent (0.5%) of active attorneys in the United States will receive this honor.

## Representative Cases

- *Manning v. Lake Hosp. Sys., Inc.*, N.D. Ohio No. 1:20CV2734, 2022 WL 409265 (Feb. 9, 2022) (obtained summary judgment in favor of defendant hospital system on plaintiff's claims for pay discrimination and retaliation under Title VII of the Civil Rights Act of 1964).
- *Rhododendron Holdings, LLC v. Harris, et al.*, Montgomery County Court of Common Pleas No. 2017 CV 5823 (as lead trial counsel, obtained fully favorable defense verdict on plaintiff's \$17.5 million trade secret claims alleging misappropriation of orthopedic implant designs following January 2022 jury trial).
- *Lunsford v. Sterilite of Ohio, LLC*, --- N.E.3d ---, 162 Ohio St.3d 231, 2020-Ohio-4193 (briefed and argued discretionary appeal to the Supreme Court of Ohio, obtaining reversal of the judgment of the Fifth District Court of Appeals and reinstatement of the trial court's order dismissing invasion of privacy claims predicated on private employer's use of direct observation drug screening).
- *O'Donnell v. N.E. Ohio Neighborhood Health Servs., Inc.*, 8th Dist. Cuyahoga No. 108541, 2020-Ohio-1609 (following jury trial, obtained affirmance of \$1.253 million judgment on plaintiff's claims of age discrimination under state and federal law).
- *Liberty Hangout v. Warren*, N.D. Ohio No. 5:18CV2567, 2019 WL 4736490 (Sept. 27, 2019) (as special counsel to the Attorney General of Ohio, obtained dismissal of national political advocacy group's First Amendment claims against state university based on lack of standing and subject matter jurisdiction).
- *Vance v. State of Ohio*, 134 N.E.3d 683, 2019-Ohio-1322 (10th Dist.) (as special counsel to the Attorney General of Ohio, obtained affirmance of trial court's dismissal of multi-billion dollar putative class action against the Ohio Department of Taxation for lack of subject matter jurisdiction).
- *Ruple Builders, Inc. v. Brackenridge Construction Co.*, W.D. Pa. No. 2:17-cv-00004, 2019 WL 109329 (Jan. 4, 2019) (obtained summary judgment in favor of general contractor on subcontractor's claims for breach of contract and unjust enrichment).
- *Brownfield Restoration Group, LLC v. Trickett*, 2018-Ohio-4473, 122 N.E.3d 570 (11th Dist.) (following bench trial, obtained affirmance of trial court's monetary judgment and award of attorney's fees and costs to plaintiff industrial remediation company on affirmative claim for breach of contract and dismissal of defendant's counterclaim for fraudulent inducement).
- *Saar v. Tanger Factory Outlet Centers, Inc.*, W.D. Mich. No. 1:17-cv-41, 2018 WL 387962 (Jan. 12, 2018) (obtained dismissal of action under Title III of the Americans with Disabilities Act against national outlet mall chain for lack of standing).
- *Mannion v. Lake Hospital System, Inc., et al.*, Lake County No. 14CV001952 (Feb. 6, 2018) (obtained directed verdict in favor of defendant hospital system and dismissal of plaintiff's complaint as an inherent-authority sanction for attorney misconduct following five-day jury trial of Plaintiff's state-law age discrimination claim in the Lake County Court of Common Pleas).

- *Keith-Harper v. Lake Hosp. Sys., Inc.*, 2017-Ohio-7361, 96 N.E.3d 823 (11th Dist.) (obtained affirmance of trial court's finding of frivolous conduct under R.C. 2323.51 and award of \$22,926.72 in attorneys' fees as a sanction against plaintiff's counsel and law firm).
- *Roberto v. Kent State Univ.*, N.D. Ohio No. 5:16CV1305, 2017 WL 1155563 (March 28, 2017) (as special counsel to the Attorney General of Ohio, prevailed on motion to dismiss retaliation claim brought by former employee of state university under the federal False Claims Act).
- *DiSantis v. Lake Hospital System, Inc.*, Lake County Court of Common Pleas No. 16CV000994, 2016 WL 11689839 (December 19, 2016) (obtained summary judgment in favor of defendant-employer on former employee's claims for disability discrimination and retaliation under the Ohio Civil Rights Act).
- *Ohio State Chiropractic Ass'n v. Humana Health Plan Inc.*, 647 Fed.Appx. 619 (6th Cir.2016) (briefed and argued appeal to the U.S. Court of Appeals for the Sixth Circuit and obtained reversal of a federal district court's order dismissing a putative class action against national insurance company and Medicare Advantage Organization).
- *Immormino v. Lake Hosp. Sys., Inc.*, 127 F.Supp.3d 829 (N.D. Ohio 2015) (obtained summary judgment in favor of local health system on claims of age discrimination brought by multiple plaintiffs under federal and state law).
- *Wheaton, et al. v. Venczel Homes, Inc.*, Summit County Court of Common Pleas No. CV-2015-04-2511, 2015 WL 11232540 (August 14, 2015) (obtained summary judgment granted in favor of residential construction company on claims of negligence, fraud, and breach of contract).
- *McClusky v. Lake Hosp. Systems, Inc.*, N.D. Ohio No. 1:14-CV-519, 2015 WL 4629251 (August 3, 2015) (obtained directed verdict during jury trial in federal district court on two of the plaintiff's three employment discrimination claims. After plaintiff was awarded \$1.00 on his remaining claim, I defeated the nominally prevailing plaintiff's motion for attorneys' fees and costs).
- *Phoenix Resources, Inc. v. Retech of Georgia, LLC, et al.*, Summit County Court of Common Pleas No. CV-2013-11-5216 (December 18, 2014) (obtained summary judgment in favor of project owner and political subdivision of the State of Ohio on subcontractor's breach of contract and quasi-contract claims).

## Presentations & Publications

- "Drafting A "Sensible" Conscience Clause: A Proposal for Meaningful Conscience Protections for Religious Employers Objecting to the Mandated Coverage of Prescription Contraceptives", 23 Health Matrix 353 (2013).



## Practice Areas

Litigation

Government Affairs, Public Law & Lobbying

Employment / Labor Law

Appellate Practice Group

Construction Law

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