

Jillian L. Dinehart

Shareholder

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Jillian is a member of the firm's Professional Liability Department where she focuses her practice across a broad spectrum of professional liability matters, including but not limited to, the defense of municipalities and their employees, non profit directors and officers, real estate professionals, insurance agents and brokers, and employers. She has practiced in both state and federal courts, handles appeals, and has argued before the Sixth Circuit Court of Appeals.

Jillian has been defending municipalities and their employees since 2013 and she has continued this practice with Marshall Dennehey, now leading the Cleveland office's professional liability practice. Although varied, Jillian's public-sector liability practice focuses on police practices, sovereign immunity issues as well as labor and employment claims. Her employment practice extends to private employers, defending claims before the Ohio Civil Rights Commission, the EEOC, Ohio and federal courts regarding discrimination, harassment and retaliation, including claims brought pursuant to Title VII, the ADA, ADEA, the FMLA, trade secret litigation, whistleblower actions, housing discrimination and related tort claims.

In her real estate work, Jillian has a strong track record of obtaining favorable results for real estate agents, real estate brokers, title agents, and home inspectors in cases brought against them related to alleged negligence, misrepresentation, disclosure errors, and contract disputes. Jillian also concentrates her practice on D&O liability defending condominium and homeowners associations, as well as their directors, officers, and property managers, in matters involving alleged breaches of fiduciary duty, declaration disputes, real property document issues, and FHA, HUD and Fair Housing claims. Additionally, she routinely defends insurance agents and brokers and miscellaneous professionals in matters pertaining to negligence, errors and omissions. Jillian also has lived experience in non-profit D&O liability as a volunteer president of the board to a local community development corporation.

Practices

- Public Entity & Civil Rights Litigation
- Employment Law
- Real Estate E&O Liability
- Non-Profit D&O
- Insurance Agents & Brokers Liability
- Appellate Advocacy & Post-Trial Practice
- Miscellaneous Professional Liability
- Privacy & Data Security
- Construction Injury Litigation
- General Liability
- Premises & Retail Liability
- Product Liability

Further, Jillian's practice extends to privacy and data breach matters, where she helps clients manage cyber risk and navigate incident response, containment, and compliance obligations. She also has experience defending corporate and individual insureds in product liability, construction, premises liability, and personal injury claims.

A native of New York's Finger Lakes region, Jillian earned her Bachelor's Degree in Political Science from SUNY Albany. She received her *juris doctor* from Case Western Reserve University School of Law, where she launched her litigation career as an award winning student in the Criminal Defense Clinic. Before joining the firm in 2017, she gained valuable public sector experience as a judicial staff attorney and assistant director of law—skills she continues to draw upon in her advocacy for political subdivision clients.

Outside the office, Jillian can often be found enjoying live music or exploring the Cleveland MetroParks with her husband and their dogs.

Education

- Case Western Reserve University School of Law (J.D., 2010)
- State University of New York at Albany (B.A., *magna cum laude*, 2006)

Admissions

- Ohio, 2010
- U.S. District Court Northern District of Ohio, 2014
- U.S. Court of Appeals 6th Circuit, 2015
- U.S. District Court Eastern District of Michigan, 2026

Honors & Awards

- The Best Lawyers: Ones to Watch®, Health Care Law (2023)
- The Best Lawyers: Ones to Watch®, Personal Injury Litigation - Defendants (2024)
- The Best Lawyers in America®, Personal Injury Litigation - Defendants (2026-2027)

Associations & Memberships

- American Bar Association
- Cleveland Metropolitan Bar Association

Classes/Seminars Taught

- *Ohio Personal Injury Litigation: Secrets Only the Top Attorneys Know*, National Business Institute (NBI) Webinar, December 15, 2022
- *Political Subdivision Tort Liability*, Cuyahoga County Common Pleas Court, August 2015

Published Works

- "I Was Just Following Orders" - Ohio's Sixth Circuit Applies Fourth Amendment's Good-Faith Exception to First Amendment Retaliation Claims, *PLUS Blog*, January 28, 2025
- "Understanding Municipalities' Rights and Liabilities in Weapons and Ordnance

Legislation," *Cleveland Metropolitan Bar Journal* (page 18), December 2022

- "Transferring a Plaintiff's Burden to the Court: In-Camera Inspections Are a Necessary Burden for Most Courts in Ohio," *Defense Digest*, Vol. 27, No. 5, December 2021

Pro Bono Activities

- Brief Advice Clinic with Legal Aid Society of Greater Cleveland, 2009
- Immigration Clinic with Catholic Charities, 2009
- AmeriCorps Service Member benefitting Legal Aid of Western New York, 2009

Significant Representative Matters

- Jillian's Motion to Dismiss was affirmed on appeal after the Ninth District Court of Appeals found that Plaintiff had sued a non sui juris entity by suing a county department in a personal injury suit. The Plaintiff initially filed suit against the department, and later dismissed without prejudice to allow more time to develop Plaintiff's medical records. When he refiled his suit, he again named a county department as the defendant. Jillian filed a Motion to Dismiss arguing that a county department does not have the capacity to be sued. Plaintiff then filed a Motion to Amend the Complaint and named the county. Jillian then filed a Motion to Dismiss the Amended Complaint arguing that the plaintiff was outside of the statute of limitations and that the change in defendant could not relate back to the originally filed suit. Plaintiff's argument that naming the department was merely a misnomer and that the Amended Complaint should relate back to the original filing failed and the trial court dismissed the case. After oral argument, the appellate court affirmed the decision.
- In 2023, Jillian went to trial in a motor-vehicle accident case in which she represented a driver that had died while the case was pending. There was also a large, financially successful, corporate co-defendant represented by other counsel. The plaintiff had sustained a broken arm in the accident that was surgically repaired. Jillian's client had admitted liability, so the case was solely to be heard on the value of the injury, and the liability of the corporate co-defendant. Likely counting on the deep pockets of the co-defendant, the Plaintiff's pre-suit demand was not rationally related to the injury or in the realm of similar verdicts in the region. During the first day of trial, Jillian formed a clear rapport with the jury panel, often engaging in friendly banter with the potential jurors about their own experiences in car accidents, injuries similar to the plaintiff's, and the social impact of surgical scars. This rapport was in direct contrast to a very dry voir dire by plaintiff's counsel and was bolstered by a similarly friendly voir dire by the co-defendant's counsel. The parties completed their opening statements and returned to court in the morning, at which time the plaintiff asked to engage in settlement discussions. As a result of Jillian's trial performance, the case settlement for \$1.5 Million less than the plaintiff's demand the day before trial.

Results

Successfully Defended a Suburban Mayor in a Defamation Case

We successfully defended an appeal of a trial court decision dismissing a defamation claim against a suburban mayor. The plaintiff, a former police officer, brought actions against a former city mayor and related defendants, asserting defamation, false light and

related claims. The plaintiff alleged that statements made during a press conference disparaged him and violated a non-disparagement clause in his separation agreement. The court ruled the defamation and false light claims were correctly barred by the one-year statute of limitations under R.C. 2305.11(A) where the saving statute, R.C. 2305.19(A), permitted refile in federal court, but did not toll limitations for subsequent state filings after the federal court dismissal. The appellate court also found the former mayor's statements, regarding police leaders who allegedly retaliated against her, were deemed truthful and, thus, not defamatory or disparaging.

Summary Judgment Won in Slip and Fall Case Involving a Large Supermarket Chain

We won summary judgment in Franklin County, Ohio, for a large supermarket chain in a slip-and-fall case. The plaintiff alleged he slipped and fell in the parking lot on ice that remained more than two days after the most recent snow fall and after the lot had been plowed and salted by a co-defendant. The plaintiff's expert opined that no amount of remaining snow or ice is acceptable and that the standard of care according to the Ohio Building Code requires complete removal in order to maintain a "slip-resistant" surface. However, in Ohio, a premises owner is not liable for natural accumulations of snow and ice because persons are expected to appreciate the danger. The plaintiff's expert did not opine as to what the defendants should have done, other than to completely remove the snow and ice. The court struck the plaintiff's expert's untested opinion as being unhelpful to a jury and found that the Ohio Building Code did not apply to the plaintiff's pleadings without a claim for negligence per se. In disregarding the expert opinions, the court also found that the remaining snow and ice was "natural," even though there had been attempted removal.

Dismissal Affirmed on Appeal in Ohio Personal Injury Lawsuit

Our motion to dismiss was affirmed on appeal after the Ninth District Court of Appeals found that the plaintiff had sued a non sui juris entity by suing a county department in a personal injury suit. The plaintiff initially filed suit against the department, which was later dismissed without prejudice to allow more time to develop the plaintiff's medical records. When he refiled his suit, he again named a county department as the defendant. We filed a motion to dismiss, arguing that a county department does not have the capacity to be sued. The plaintiff then filed a motion to amend the complaint and again named the county. In our motion to dismiss the amended complaint, we argued that the plaintiff was outside of the statute of limitations and that the change in defendant could not relate back to the originally filed suit. The plaintiff's argument, that naming the department was merely a misnomer and that the amended complaint should relate back to the original filing, failed and the trial court dismissed the case. After oral argument, the appellate court affirmed the decision.

Summary Judgment on Behalf of Former Mayor in Civil Rights Lawsuit

Jillian won summary judgment in favor of her client, a former suburban mayor, after seven years of protracted litigation, arising out of alleged defamation. In 2016, Jillian's

client was arrested for domestic violence. Although the criminal case was ultimately dismissed, the charge significantly tarnished her personal life and career and she lost reelection. In 2017, the police chief and a lieutenant that led the investigation into the criminal charge left their positions, allegedly forced out by the mayor. Documents regarding the sealed criminal charges were found in both offices, which spurred an internal investigation and review by an outside prosecutor. The internal investigation found that there were significant deficiencies in the criminal investigation and found that the officers likely obstructed justice as a result of these deficiencies. The outside prosecutor found that, although there was probable cause for an arrest, there likely was not enough evidence for a conviction. Because of the ongoing election, the criminal charges and internal investigation were the subject of several public records requests by the local police union as well as council members.

On the eve of releasing the investigation as a public record, the acting chief of police, allegedly at the behest of the mayor, gave a press conference in which he announced the results of the investigation and the possible related criminal charges. The acting chief of police stated that the press conference was necessary because of the political situation – likely referring to the mayor's reelection campaign. The court dismissed the action at summary judgment on both procedural grounds and on the merits finding that none of the comments made in the press conference were false or disparaging.

Summary Judgment Secured in Protracted Defamation Case

We won summary judgment for a former suburban mayor after seven years of litigation. As background, in 2016, our client was arrested for domestic violence, but the criminal case was ultimately dismissed for lack of evidence and sealed. In 2017, after the police chief and lieutenant left their positions, the City found documents regarding the sealed charges against the mayor in their offices. This spurred an internal investigation into the police investigation into the mayor, which found that there were significant deficiencies in the criminal investigation. The outside prosecutor found that, although there was probable cause for an arrest, there likely was not enough evidence for a conviction. As a result of the ongoing mayoral campaign at that time, the criminal charges and internal investigation were the subject of several public records requests. On the eve of releasing those public records, the City held a press conference announcing that the former police chief's and lieutenant's investigation into our client was improper and possibly criminal. After the press conference, the police chief and lieutenant sued the mayor, the acting police chief, and the City for defamation and related claims. The court dismissed the action at summary judgment on both procedural grounds and on the merits, finding that none of the comments made in the press conference were false or disparaging.

Successful Defense of Local Municipality in Employment Law Matter

Several police cadets were not allowed to take the state licensing exam after the municipality learned that those cadets had been cheating to complete academy requirements. The cadets were referred for disciplinary charges and then terminated. They brought suit, alleging due process violations for allegedly holding sham post-disciplinary hearings, predetermining termination, and not allowing them access to the evidence against them. Select plaintiffs also alleged racial discrimination. The plaintiffs'

entire suit was dismissed on summary judgment when the Northern District of Ohio found that the plaintiffs had not completed their probationary period and, thus, did not have a property interest in their employment with the municipality. The court further found that the municipality's decision to terminate the employees for failure to take the state test was a reasonable decision and did not violate their substantive due process rights. Finally, the plaintiffs were unable to present any evidence to support a racial discrimination claim.

Thought Leadership

July 21, 2026

Sixth Circuit Recognizes Heckler's Veto Theory in Limited Public Forum

April 1, 2026

Aw Heck, As-Applied Challenges do not Implicate a Conviction

January 1, 2026

Totality of the Circumstances: Tasing Okay in Immediate Passive Resistance

November 1, 2025

Legal Updates for Real Estate E&O – CASE LAW UPDATE

October 1, 2025

It Was Just a Mistake! Or Was It Negligence? Ohio Supreme Court Defines Mistake for Contract Principles

July 14, 2025

Ohio Supreme Court Holds Seller Had No Duty to Disclose Recorded Sewer Easement in 'As-Is' Sale

July 1, 2025

Ohio Supreme Court: City's Refusal to Arbitrate Under Last-Chance Agreement Not an Unfair Labor Practice

April 1, 2025

A Neck-Hold Is Not Clearly-Established Excessive Force

April 1, 2025

Appeals Court Overturns \$1.3 Million Slip-and-Fall Verdict Due to Lack of Evidence

January 28, 2025

'I Was Just Following Orders' – Ohio's Sixth Circuit Applies Fourth Amendment's Good-Faith Exception to First Amendment Retaliation Claims

January 1, 2025

'I Was Just Following Orders' Can Support Qualified Immunity Absent Undermining Observations in Ohio

January 1, 2025

Ohio Supreme Court Finds the Plain Meaning of an Immunity Exception Supersedes any Deference to the Political Subdivision

October 1, 2024

'Same-Juror' Rule Applies to Sequential Interrogatories.

October 1, 2024

A Graduate Student May Be an Employee for Purposes of Title VII Discrimination.

July 1, 2024

Reckless Disregard to Medical Needs: Calling Paramedics Is Not Enough