

Timothy B. Schenkel

Co-Chair, Automobile Liability Practice Group

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For more than 30 years, Timothy has handled a wide variety of cases in the fields of premises liability, product liability, trucking and transportation, automobile liability, construction and business litigation claims. He services the needs of his clients in the southwest Ohio region and throughout the Commonwealth of Kentucky. There he has defended individuals, insurance companies and major corporations in complex litigation within his practice areas. Some of his clients include general contractors, restaurants and major retail establishments. As an experienced trial attorney, Tim has tried numerous casualty cases to a jury verdict and throughout the appeals process.

Prior to joining Marshall Dennehey, Tim spent the beginning of his legal career handling insurance defense for a firm in Northern Kentucky and more recently with a regional litigation firm in Cincinnati. Tim is active in his local parish, Our Lady of Victory parish and with the Elder High School.

Tim received his *juris doctor* from the Salmon P. Chase College of Law in 1992 and is admitted in the State of Ohio and the Commonwealth of Kentucky.

Education

- NKU Salmon P. Chase College of Law (J.D., 1992)
- University of Dayton (B.S., *cum laude*, 1988)

Admissions

- Ohio, 1993
- Kentucky, 1992
- U.S. District Court Southern District of Ohio
- U.S. District Court Eastern District of Kentucky
- U.S. Court of Appeals 6th Circuit

Practices

- Automobile Liability
- General Liability
- Product Liability
- Fraud/Special Investigation
- Trucking & Transportation Liability

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- Ohio Super Lawyers Rising Star (2005)

Associations & Memberships

- Cincinnati Bar Association
- Kentucky Bar Association
- Northern Kentucky Bar Association
- Ohio State Bar Association

Classes/Seminars Taught

- *The Golden Rule of Ethics: Treat Others Like You Would Treat Your Grandma!*, 2016
Ohio Joint Insurance Fraud Seminar, March 9, 2016.

Significant Representative Matters

- Successfully obtained defense jury verdicts on numerous premises liability claims in the Commonwealth of Kentucky involving unknown substances on restaurant floors, hidden dangers on athletic playing surfaces and defective conditions on rental property.
- Obtained a defense verdict in a jury trial where the case involved allegations of negligence on the part of the bar for not diffusing a volatile situation and making sure that a patron who was kicked off the premises actually left the premises. Convinced the jury that it was the actions of the two patrons who ended up in an altercation that were the proximate cause of Plaintiff's injuries rather than any actions or inactions of the bar itself.
- Obtained summary judgment on a claim where Plaintiff fractured her leg after falling into a hole on property owned by Valley Street, Ltd. After parking her vehicle in the grassy area, the Plaintiff fell as she walked through the grassy field on her way to a community festival. Successfully argued that the size of the hole made it open and obvious, in addition to convincing the Court that Valley Street, Ltd. acted with reasonable care in inspecting the property for hidden defects. The summary judgment was affirmed by the Ohio Court of Appeals.
- Obtained summary judgment on a claim where the Plaintiff was discharged from bankruptcy five months after filing her lawsuit against our client. The Plaintiff failed to disclose her lawsuit to the bankruptcy trustee at any time before she was discharged. Summary judgment was granted on the basis of judicial estoppel, which the Plaintiff appealed. On appeal, Ohio's First District Court of Appeals affirmed the trial court's decision, finding that as a result of pursuing her claim without disclosing the claim as an asset in bankruptcy, the Plaintiff was judicially estopped from pursuing the claim.