



Tracey L. Turnbull

Tracey focuses her practice on commercial and employment litigation matters and serves as the chair of Porter Wright's Product Liability Practice. She has represented corporations and individuals in cases involving contracts, covenants not to compete, trade secret, intellectual property and product liability claims. In the area of employment litigation, she has represented clients in cases alleging discrimination, harassment, retaliation and FMLA violations. Tracey has significant experience litigating and resolving complex discovery issues and has successfully tried commercial disputes and employment cases before juries in both state and federal courts.

Tracey has been recognized by *Ohio Super Lawyers*[®], including its Top 25 Women in Cleveland in 2018, and in *Crain's Cleveland* "Forty Under 40." She has also been listed in *The Best Lawyers in America*[®] in the area of Commercial Litigation.

Representative Matters

- Obtained temporary restraining order and injunction for an equity research firm in state court and FINRA proceedings that required group of former employees in a competing firm to return trade secret and confidential information and prohibited them from soliciting top customers.
- Defeated imposition of preliminary injunction against retail mail order pharmacy company in action involving trademark infringement and violations of the Ohio Deceptive Trade Practices Act claims.
- Secured preliminary injunction for an aerospace company precluding use of trade secrets and intellectual property.
- Received directed verdict for global insurance company on claims of securities law violation, vicarious liability, fraud and negligence in a case involving a viatical investment.
- Obtained unanimous defense verdict for a telecommunications company in action involving claims of sexual harassment and retaliation.
- Obtained summary judgment and successfully argued appeal for manufacturer in employment action involving claims of discrimination and negligent retention.
- Obtained summary judgment and successfully argued appeal for recreational vehicle manufacturer in a product liability action.

Partner

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SOCIAL MEDIA

Blogs

employerlawreport.com
technologylawsources.com

EDUCATION

Case Western Reserve University
College of Law, J.D., *cum laude*, 1996

Hamilton College, B.A., *with honors*,
1991

SERVICES

Litigation

- Commercial litigation
- Product liability
- Non-competition and trade secrets litigation
- E-Discovery
- Class actions and mass tort litigation
- Probate, trust and guardianship litigation
- Health care litigation

Labor & Employment

- Employment litigation
- Trade secret protection and non-competition
- Workplace privacy and technology

Bar Admissions

Ohio

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

Presentations

- “Is Your Case Special? The Use of Special Masters in Class Actions and Multidistrict Litigation,” DRI Business Litigation Super Conference, May 10, 2019
- “When There’s Something Strange: Case Law Update,” Porter Wright Employment Relations Seminar, Oct. 12, 2017
- “The Scouting Report: Case Law Update,” Porter Wright Employment Relations Seminar, Oct. 5, 2016
- “The Good, the Bad, and the Ugly: Social Media in Litigation and Employment Compliance Issues,” Defense Research Institute Corporate Counsel Committee C3 Program, February 2015
- “The Latest in Spoliation of Evidence,” Association of Corporate Counsel America, Northern Ohio Chapter, November 2014
- “Walking the Tightrope: A Review to Help You Keep Your HR Balance,” Porter Wright Employee Relations Seminar, Oct. 23, 2014
- “Keeping Pace: Learn the Latest in Employment Law,” Porter Wright Employee Relations Seminar, April 29, 2014
- “Spoliation of Evidence: Records, Risks, Remedies, and Resolution,” Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 4, 2013
- “Professionalism: Developments in Spoliation of Evidence,” Association of Corporate Counsel America, Northern Ohio Chapter, November 2013
- “Ghosts, Goblins and Ghouls: Data and Devices That Never Stop Giving,” Porter Wright Employee Relations Seminar, Oct. 8, 2013
- “Riding the Social Media Tidal Wave: Understanding the Risks and Rewards for Employers,” Employment Relations Seminar, May 23, 2013
- “Social Media Do’s and Don’ts for Employers,” Porter Wright Employment Relations Seminar, Oct. 20, 2011

Publications

- “Women honoring women honorees share their thoughts on giving back and paying it forward,” *Cleveland Metropolitan Bar Journal*, April 2014
- *Spoliation of Evidence: Remedies and Sanctions for Destruction of Evidence in Civil Litigation*, American Bar Association, 2000; 2nd Edition, 2006; 3rd Edition, 2013
- “Sanctions for spoliation of evidence,” InsideCounsel.com, July 18, 2013

SERVICES (CONTINUED)

Tax, Estate Planning & Personal Wealth

- Probate, trust and guardianship litigation

PROFESSIONAL ASSOCIATIONS

- Cleveland Metropolitan Bar Association, Women in Law Section, past Chair, *Justice for All Committee*, past Chair
- Defense Research Institute, *Young Lawyers Steering Committee*, *Electronic Discovery Steering Committee*, *Commercial Litigation Steering Committee*, past Chair, *Pretrial Practice SLG*, *Commercial Litigation Committee*, Vice Chair, 2017-present, *Women in Law Steering Committee*
- Ohio Women’s Bar Association, *Eleventh District Trustee*
- William K. Thomas Inn of Court



- “Out of sight, out of mind,” InsideCounsel.com, July 4, 2013
- “Be careful what you say,” InsideCounsel.com, June 20, 2013
- “Preservation obligations after a duty to preserve has been triggered,” InsideCounsel.com, June 6, 2013
- “Events courts consider when deciding if duty to preserve evidence has been triggered,” InsideCounsel.com, May 23, 2013
- “When does a company have a duty to preserve evidence,” InsideCounsel.com, May 9, 2013
- “The ‘Adoptive Admission’ provision of FRE 801(d)(2)(c),” *For the Defense*, September 2012

Honors | Awards

- *Ohio Super Lawyers*[®], Business Litigation, Top 25 Women in Cleveland, 2018
- *The Best Lawyers in America*[®], Commercial Litigation,
- Cleveland Metropolitan Bar Association, Women in Law Making a Difference, Honoree, 2014
- *Ohio Super Lawyers*[®], Rising Stars Edition, 2005-2007, 2009

Community

- Leadership Cleveland, Class of 2014
- Towards Employment, Board Member, 2012-present; HR Committee, Chair, 2017-present
- Learning Disabilities Association of Northeast Ohio, Board Member, 2008-2012
- Cleveland Bridge Builders, Class of 2006
- National Conference for Community and Justice, Lead Diversity Class of 2005
- Cleveland Marshall School of Law, Discovery and Motion Practice, Adjunct Faculty, Spring 2001