



# J. Philip Calabrese

Phil is a partner in the firm's Litigation Department, where he is the co-chair of the firm's class actions practice. His practice is focused on complex litigation, including product liability litigation, toxic tort litigation, class action defense, defense of securities fraud and antitrust cases, contract disputes and trade secret disputes. His experience covers a broad range of industries, including food, consumer products, specialty chemical, pharmaceuticals, medical devices, and oil and gas.

Phil's practice includes serving as trial counsel in complex multi-district or multi-jurisdiction litigation.

He has also arbitrated disputes under the rules of the American Arbitration Association, the CPR Institute for Dispute Resolution and the International Chamber of Commerce in Paris, France.

Prior to his private sector work, Phil was a law clerk to the Honorable Alice M. Batchelder, U.S. Court of Appeals for the Sixth Circuit. He also worked for three years in the Wisconsin legislature, serving ultimately as the chief of staff to Senator Lynn Adelman, who now serves on the U.S. District Court, Eastern District of Wisconsin in Milwaukee.

Phil teaches an advanced course on Expert Witnesses and Scientific Evidence at Case Western Reserve University's School of Law. Additionally, he has served as a faculty member at the Litigation Academy of the U.S. District Court for the District of Rhode Island, a skills-based program focused on developing courtroom techniques for direct and cross-examination of expert witnesses.

Phil serves as a public member of the Sixth Circuit Advisory Committee on Rules, a role to which he was appointed by then-Chief Judge Danny Boggs of the Sixth Circuit. He is also a life member of the judicial Conference of the Sixth Circuit and serves on the Northern District of Ohio's Advisory Group.

## Partner

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## SOCIAL MEDIA

**Twitter**  
[@JPhilCalabrese](https://twitter.com/JPhilCalabrese)

## EDUCATION

Harvard Law School, J.D., *cum laude*, 2000

College of the Holy Cross, B.A., *summa cum laude*, 1993, Fulbright Scholar

## SERVICES

### Litigation

- Appellate and Supreme Court practice
- Class actions, mass torts and MDLs
- Financial services litigation

### Product liability

- Environmental litigation

### Financial Institutions

- Representation of financial institution regulatory agencies
- Financial services litigation

## Representative Matters

- Defending a pharmaceutical company at trial and on appeal in multidistrict product liability litigation alleging serious personal injuries from use of a product used in MRIs
- Obtaining dismissal in federal court of a class action against a public housing authority in the face of controlling adverse precedent
- Obtaining a complete defense verdict in arbitration on behalf of the US research and development subsidiary of a Spain-based company in arbitration accused of trade secret misappropriation by a Canada-based company in the emerging cellulosic ethanol field
- Representing the US affiliate of a Belgium-based meatpacking company in a Commerce Clause challenge to a state statute including obtaining injunctive relief to allow the company to operate during the litigation
- Obtaining reversal by the Seventh Circuit Court of Appeals of a district court's order certifying a 29-jurisdiction class action alleging consumer fraud by a Fortune 50 retailer
- Winning dismissal of a federal antitrust lawsuit brought by the competitor of a Fortune 500 manufacturing company in the coated adhesives market
- Representing the US subsidiary of an international flavor company against claims that its products were responsible for workplace injuries
- Obtaining summary affirmance from the Seventh Circuit Court of Appeals of a district court order finding federal jurisdiction following de-certification of a class and dismissal after rejection of an offer of judgment.
- Defending a major international tire manufacturer against securities fraud class action and related product liability claims
- Defending a federally chartered financial institution in consumer class action
- Achieving a favorable settlement for a global performance chemicals company in an international arbitration arising out of the acquisition of certain assets from a Germany-based company
- Representing an international oil company in arbitration of a pipeline dispute involving in excess of US \$6 million
- Representing a Fortune 1000 manufacturing company in antitrust class action alleging price fixing in certain chemical markets in the United States, Europe and East Asia
- Defending a steering gear manufacturer in products liability litigation alleging design defects
- Achieving a favorable result for an individual and corporations targeted in a federal grand jury investigation of certain pricing practices in the steel industry (no charges were brought)
- Successfully defending contract actions arising out of raw material cost increases in the steel industry

## PROFESSIONAL ASSOCIATIONS

- Sixth Circuit Advisory Committee on Rules
- Northern District of Ohio Advisory Group
- Northern District of Ohio, Evaluation Committee, *Federal Public Defender*
- Federal Bar Association, Northern District of Ohio Chapter, *Past President*
- Ohio State Bar Association
- Ohio State Bar Foundation, *2011 Fellows Class*
- Cleveland Metropolitan Bar Association, *Litigation Section*
- John Manos Inn of Court
- Judicial Conference of the U.S. Court of Appeals, Sixth Circuit, *Life Member*
- Justinian Forum
- Federalist Society
- Product Liability Advisory Council Inc., *Sustaining Member*



- Defending at trial in federal court a Fortune 500 manufacturing company against breach of contract claims relating to a technology development agreement in the consumer electronics industry

### **Bar Admissions**

Ohio

U.S. Court of Appeals for the Second Circuit  
U.S. Court of Appeals for the Third Circuit  
U.S. Court of Appeals for the Sixth Circuit  
U.S. Court of Appeals for the Seventh Circuit  
U.S. Court of Appeals for the Eighth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Federal Circuit  
U.S. District Court for the Northern District of Ohio  
U.S. District Court for the Southern District of Ohio  
U.S. District Court for the Eastern District of Michigan  
U.S. Court of Federal Claims  
U.S. Tax Court  
Supreme Court of the United States

### **Honors | Awards**

- *The Best Lawyers in America*<sup>®</sup>, Product Liability Litigation-Defendants
- *Ohio Super Lawyers*<sup>®</sup>, Personal Injury – Products: Defense
- *Ohio Super Lawyers*<sup>®</sup>, Rising Stars Edition, 2005-2007, 2009-2010
- Cleveland's Best Lawyers
- Marquis Who's Who in American Law

### **Presentations**

- "Trends: Class Actions, Mass Torts and MDLs," Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 7, 2017
- "2015 Appellate Year in Review," Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 9, 2015
- "Fast Cars and Dangerous Rides - Ethical Considerations in Managing a Litigation Portfolio," Association of Corporate Counsel America, Northern Ohio Chapter, November 2014
- "Nanotechnology as an Emerging Source of Litigation," Nov. 20, 2013
- "Sixth Circuit Webinar," Sept. 13, 2012
- "The Practice That Never Sleeps: Reexamining the Class-Action Practice and Considering Where It – Indeed, We – Go From Here," 15th Annual ABA National Institute on Class Actions, Oct. 14, 2011
- "Nanotechnology Litigation to Come: A Case Study," Sixth Circuit Webinar, PLI, Sept. 12, 2011
- "Nanotechnology: The Next Big Thing?," Cleveland Metropolitan Bar Association Litigation Section, May 18, 2011



- “Case Study: Monopolization and Panel on Civil Antitrust Litigation,” Federal Bar Association, March 16, 2011
- “Debate on Second Amendment Covering Ohio Concealed Carry Laws,” City Club of Cleveland, Feb. 4, 2011
- “Antitrust and Other Complex Litigation,” Federal Bar Association, Nov. 19, 2010
- “Antitrust and Other Complex Litigation,” Federal Bar Association, Nov. 13, 2009

### **Publications**

- “Book review, ‘A Generation of Sociopaths,’” *The Federal Lawyer*, May 2018
- “Ruling on short sandwiches may cast a long shadow,” *Law360*, Jan. 18, 2018
- “How plaintiffs and defense counsel misperceive each other,” *Law360*, Sept. 25, 2017
- “Resolve that class action lawsuit before it is filed,” *Association of Corporate Counsel Northeast Ohio Focus*, June 2017
- “Discipline for sexual battery too lenient,” *Cleveland Metropolitan Bar Journal*, January 2017
- “Department of Justice makes food safety a prosecution priority,” *The CBA Report*, Cincinnati Bar association, April 2016

### **Community**

- The Ohio Innocence Project, 2014-present
- The Cleveland Orchestra, Advisory Council, 2016-present
- City Club of Cleveland, Programming Committee