



Elizabeth L. Moyo

partner

Elizabeth concentrates her practice on resolving complex commercial disputes and product liability cases. She is the chair of Porter Wright's Product Liability Practice Group and a member of the Intellectual Property Litigation and Business Competition Practice Groups. In state and federal court, Elizabeth has experience in all aspects of litigation from early evaluation of potential claims to writing appellate briefs.

In the area of product liability, Elizabeth has significant experience defending a wide variety of industrial, consumer and pharmaceutical products. She has represented manufacturers and suppliers of heavy-lifting equipment, motorcycles, off-road vehicles, personal watercraft, component parts, health and beauty products, beverages, drugs, medical devices and pet products. She has represented manufacturers subject to individual product liability actions, class actions and multi-district litigation.

Elizabeth also represents clients in a variety of businesses and industries in commercial and intellectual property litigation. She has tried contract and business tort cases. She has counseled clients in disputes with large and small competitors over trade secrets, trademarks, and trade dress – including the prosecution and defense of packaging and design claims. In addition, she has advised commercial debtors and creditors in complex collection litigation and priority disputes.

REPRESENTATIVE MATTERS

Product Liability

- Defending manufacturer of heavy-lifting equipment in workplace injury lawsuit
- Represented tire manufacturer on appeal affirming trial court's dismissal of spoliation claim
- Resolved employee's intentional tort claim for manufacturer of automotive parts
- Represented manufacturer of roadside safety devices against design defect claim in significant injury lawsuit
- Obtained partial summary judgment and a favorable resolution for a manufacturer of personal water craft in significant injury case involving a minor plaintiff

CONTACT

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Pronouns: she / her / hers

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EDUCATION

Capital University Law School, J.D.,
magna cum laude, 2006

Smith College, B.A., 2003

SERVICES

Litigation

- Commercial litigation
- Intellectual property litigation
- Product liability
- Class actions, mass torts and MDLs
- Health Care litigation
- Probate, trust and guardianship litigation
- Financial services litigation

Intellectual Property

- Advertising, false advertising, unfair competition and product claims
- Trademarks and service marks

- Defended manufacturer of home and personal care products against complaint alleging a defective formulation of hair conditioner caused an allergic reaction and permanent brain damage
- Represented manufacturer of side-by-side vehicle in all aspects of product liability litigation in various Ohio state courts
- Obtained favorable settlement for motorcycle manufacturer in significant personal injury case after extensive discovery and partial summary judgment for the manufacturer
- Represented manufacturer of alcoholic beverages in case involving claims concerning the allegedly defective formulation of and warnings on the product
- Achieved partial dismissal, limited certification of a class and favorable resolution on behalf of pharmaceutical company in class action involving warranty claims arising from packaging of product
- Advised manufacturers concerning warranty language, advertising and responding to the Consumer Product Safety Commission

Intellectual Property Disputes

- Represented a consumer product manufacturer in trade dress infringement action against distributors of imitation blender
- Represented manufacturer of lawn and garden products in trade dress packaging action against competitor
- Represented manufacturer of lawn and garden products in false advertising action against competitor
- Successfully pursued opposition to trademark registration before the Trademark Trial and Appeal Board
- Prepared and negotiated cease-and-desist letters against competitors in a variety of industries

Banking & Finance

- Defended creditor subject to business tort claims of guarantor's surviving spouse
- Advised creditors regarding various avenues for collection and compliance with state and federal requirements
- Represented creditors in action to revoke the bankruptcy court's discharge of an individual with numerous ownership and business interests
- Represented secured creditor in priority dispute spanning multiple state trial and appellate courts
- Represented creditor in preliminary injunction action to preclude fraudulent transfer of debtor's assets
- Defended real estate company in collection actions pending throughout Ohio and negotiated workout agreement with multiple parties

Commercial Litigation

- Defended insurance broker in coverage dispute concerning the insured's business personal property destroyed in a fire

SERVICES (CONTINUED)

Bankruptcy, Workout & Creditors' Rights

- Debtor-creditor litigation

Health Care

- Litigation

Tax, Estate Planning & Personal Wealth

- Probate, trust and guardianship litigation
- Family office

Financial Institutions

- Financial services litigation

Mergers & Acquisitions

- Family office

Business Growth & Operation

- Family office

Business Competition, Advice & Litigation

- Represented purchaser of commercial rendering business in successful trial against seller for breach of contract
- Represented companies in commercial lease disputes

Probate Litigation

- Defended trustees of multi-million dollar trust against claims brought by various beneficiaries in multiple state courts
- Represented institutional trustees to resolve disputes in accordance with the grantor's intent and to the satisfaction of beneficiaries
- Obtained summary judgment and favorable appellate decisions on behalf of executor and trustee in will contest action

BAR ADMISSIONS

- Ohio
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio

PRESENTATIONS

- "Defending Adequate Warnings of Recreational Products: Effective Use of the Heeding Presumption," Defense Research Institute Product Liability Conference, Feb. 9, 2018
- "Now You See It, Now You Don't: A Case Law Update Emphasizing the Visual Aspect of Recreational Products Litigation," Defense Research Institute Product Liability Conference, 2014

PUBLICATIONS

- "Summer fun and the associated risks: Who is responsible for the resulting injury?" *Columbus Lawyers Quarterly*, July 2018
- "When is enough, enough? Liability for unidentified risks and unread warnings," *Ohio Association of Civil Trial Attorneys Quarterly Review*, Spring 2016
- "Tracing Ohio's evolution on the component parts doctrine," *Law360*, Dec. 15, 2014
- "Class action SLG: Whirlpool and Sears: The impact of products liability class actions on the reinforced commonality and predominance requirements of Rule 23," *The Business Suit*, Defense Research Institute Commercial Litigation Committee, Dec. 27, 2013
- "Wal-Mart, Comcast and now Whirlpool: How *Glazer v. Whirlpool Corporation* will shape future product liability class actions," *Ohio Association of Civil Trial Attorney Quarterly Review*," September 2013

PROFESSIONAL ASSOCIATIONS

- Columbus Bar Association, Minorities in the Law Committee
- Ohio State Bar Association
- Ohio Women's Bar Association
- Defense Research Institute, Product Liability Committee

HONORS | AWARDS

- BTI Client Service All-Star, 2022
- *Columbus Business First*, 40 Under 40, 2020
- Ohio Women's Bar Association, Leadership Institute, Class of 2018-2019
- *Best Lawyers*®, Commercial Litigation
- *Ohio Super Lawyers*®, Rising Stars Edition, 2009, 2016-2021
- Order of the Curia

COMMUNITY

- Smith College Club of Columbus
- ProMusica Chamber Orchestra, Board of Trustees
- Porter Wright, Diversity Committee
- Legal Aid Society of Columbus, Landlord Tenant Clinic, Volunteer