



# Tracey L. Turnbull

partner

Tracey focuses her practice in commercial and employment litigation matters, serves as the partner-in-charge of the firm's Cleveland office and chairs the Class Action Practice. She has also served in a number of other leadership roles, including as chair of the firm's Product Liability Practice.

Tracey has represented corporations and individuals in cases involving contracts, covenants not to compete, trade secret, intellectual property, warranty 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.

She is co-author of the book *Spoilation of Evidence: Sanctions and Remedies for Destruction of Evidence in Civil Litigation*, Third Edition, published by the American Bar Association in 2013.

Tracey has been recognized by *Ohio Super Lawyers*<sup>®</sup>, including its Top 25 Women in Cleveland and Top 50 Women in Ohio in 2020, and in *Crain's Cleveland* "Notables in Law" and "Forty Under 40." She has also been listed in *Best Lawyers*<sup>®</sup> in the area of Commercial Litigation.

## REPRESENTATIVE MATTERS

- Obtained temporary restraining order and injunctions 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

## CONTACT

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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
- Hospitality

- 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

## 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

- “Flash Update: Recent Decisions from Federal Courts,” Porter Wright Employment Relations Seminar, Sept. 20, 2019
- “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 Employment Relations Seminar, Oct. 8, 2013

## SERVICES (CONTINUED)

### Labor & Employment

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

### Tax, Estate Planning & Personal Wealth

- Probate, trust and guardianship litigation

### Cannabis

### Business Growth & Operation

- Hospitality

### Entrepreneurship & Startups

- Hospitality

### Real Estate

- Hospitality

- “Riding the Social Media Tidal Wave: Understanding the Risks and Rewards for Employers,” Porter Wright Employment Relations Seminar, May 23, 2013
- “Everyone’s Going Social: Hottest Trends and Concerns in Social Media,” Porter Wright Employment Relations Seminar, Oct. 10, 2012

## 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
- “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

## PROFESSIONAL ASSOCIATIONS

- Cleveland Metropolitan Bar Association, Women in Law Section, past Chair, Justice for All Committee, past Chair
- Defense Research Institute, National Director, 2021-2024; Commercial Litigation Committee, Chair, 2019-2021; Vice Chair, 2017-2019; Membership Chair, 2016-2017; Program Chair, 2016; Women in the Law Steering Committee, 2014-2021
- International Association of Defense Counsel, January 2020-present
- Ohio Women’s Bar Association, Mentoring Circle Leader
- William K. Thomas Inn of Court

## HONORS | AWARDS

- *Ohio Super Lawyers*<sup>®</sup>
- *Ohio Super Lawyers*<sup>®</sup>, “Top 25 Women Cleveland Super Lawyers,” 2018, 2020
- *Ohio Super Lawyers*<sup>®</sup>, “Top 50 Women Ohio Super Lawyers,” 2020
- *Best Lawyers*<sup>®</sup>, Commercial Litigation, Employment Law – Management, Mass Tort Litigation/Class Actions - Defendants
- *Crain’s Cleveland* “Notables in Law,” 2022
- *Crain’s Cleveland* “Forty Under 40”
- Cleveland Metropolitan Bar Association, Women in Law Making a Difference, Honoree
- Defense Research Institute, Davis Carr Outstanding Committee Chair Award, 2021

## COMMUNITY

- Towards Employment, Board Member, 2012-2021; HR Committee, Chair, 2017-2021
- Leadership Council on Legal Diversity, Success in Law School Mentoring Program, 2020-present
- College Now Mentor, 2020-present
- Leadership Cleveland, Class of 2014
- 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