



# David S. Bloomfield, Jr.

*partner*

David chairs the firm's Intellectual Property Litigation and Business Competition Practice Group and is co-chair for the Probate, Trust and Guardianship Litigation practice. He has a broad range of litigation experience in various state and federal courts, including matters related to business competition and intellectual property disputes. He has handled trust and estate litigation matters in probate court and various trial courts, as well as class-action matters in state court and in the United States District Court for the Southern District of Ohio.

He has successfully tried cases in various federal and state courts as lead counsel and supporting counsel. One of David's cases secured the top spot in the list of Central Ohio's largest jury verdicts for 2014. David has successfully argued before the United States Court of Appeals for the Second and Sixth Circuits and before appellate courts in Ohio.

In addition, David serves as a relationship partner for a number of clients, including Cardinal Health and the state of Ohio. He regularly works with industry leaders in the health care sector, including pharmaceutical distributors, hospitals and other health care providers. He has litigated various health care subrogation and reimbursement claims. As special counsel to the Ohio Attorney General in a number of litigation matters, he also has represented various state entities.

David has been recognized by *Ohio Super Lawyers*<sup>®</sup>, *Best Lawyers*<sup>®</sup> and is AV rated by Martindale-Hubbell<sup>®</sup>. Before joining Porter Wright, David clerked for the late Honorable Joseph P. Kinneary, Senior United States District Judge, Southern District of Ohio from June 1997-May 1999. He also clerked for the Court of Claims of Ohio from June 1995-April 1996.

From 2017 to 2020, David served as the District 7 (Franklin County) Governor on the Ohio State Bar Association's Board of Governors. He also is a past president of the Columbus Bar Association. In addition, he is secretary/treasurer of the Mirolo Charitable Foundation.

## CONTACT

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## EDUCATION

The Ohio State University College of Law, J.D., 1997

Haverford College, B.A., 1994

London School of Economics,  
General Course Program, 1993

## SERVICES

### Litigation

- Commercial litigation
- Health Care litigation
- Intellectual property litigation
- Arbitration and mediation
- Non-competition and trade secrets litigation
- E-Discovery
- Probate, trust and guardianship litigation
- Financial services litigation
- Securities litigation
- Class actions, mass torts and MDLs

## REPRESENTATIVE MATTERS

### Business Competition, Insurance and Contract Disputes

- Represented an employer in a breach of non-competition and trade secret case where the employer obtained an injunction against a former employee
- Represented an employer in the successful enforcement of the company's non-compete and confidentiality agreement by obtaining an injunction against a former employee
- Represented majority shareholders in various litigation matters over control of closely held corporations
- Representing a public company in various health care contract disputes
- Tried and won a jury verdict of \$3.5 million in federal court for an oil-and-gas company in complex dispute involving contract to sell oil-and-gas assets
- Represented former employee of a public company in a claim of violation of non-competition agreement and improper disclosure of trade secrets
- Represented the majority shareholder in litigation involving the control of the business
- Represented as lead counsel minority shareholders in dispute over control of close corporation
- Represented a public company in trade secrets dispute in federal court involving former employees who left to work for competitor
- Tried and won a matter in federal court for a public company as lead counsel for a matter involved in a UCC sales warranty claim; also argued and won the case on appeal in the federal appellate court
- Represented as lead counsel a retailer in premises liability claim, which resulted in the appellate court upholding summary judgment in favor of the retailer
- Represented as lead counsel captive insurers and policyholders in insurance coverage litigation, including arguments with successful outcomes before the Sixth Circuit Court of Appeals and Ohio appellate courts
- Represented a heat-exchange component manufacturer in a Federal Trade Commission investigation and additional related federal court litigation involving divestiture of assets

### Health Care Litigation

- Representing a public health care company and its Board in a securities class action matter involving allegations that the Board failed to act properly
- Representing a public health care company in a shareholder derivative action alleging the company inappropriately approved payments to executives who also failed to ensure the company's legal compliance with regulations governing the distribution of controlled substances

## SERVICES (CONTINUED)

### Intellectual Property

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

### Business Competition, Advice & Litigation

- Competitive interference claims
- Non-compete, non-solicitation, non-recruitment and non-disclosure agreements
- Non-competition and trade secret counseling and litigation

### Health Care

- Reimbursement and overpayment audit defense
- Litigation

### Privacy & Data Security

- Litigation
- Social media

### Technology

- Enforcement, disputes and litigation
- Social media

### Tax, Estate Planning & Personal Wealth

- Probate, trust and guardianship litigation
- Family office

### Education

### Financial Institutions

- Financial services litigation

### Business Growth & Operation

- Family office

### Mergers & Acquisitions

- Family office

### Cannabis

- Represented a public company in various health care contract disputes, including cases involving alleged breach of distribution agreement, alleged breach of confidentiality and non-competition agreements and member certification agreements
- Represented a public company's ERISA plan in various health care subrogation matters
- Represented a health care entity in a breach of contract dispute
- Represented hospital system in business litigation matters
- Represented a state institution's peer-review committee in administrative peer review proceeding

#### **Intellectual Property and Technology Disputes**

- Represented in federal court a company in patent and trade secret litigation
- Represented in federal court a public company accused of copyright infringement
- Represented in federal court a public company alleged to have violated another company's trademark
- Represented in federal court a public company prosecuting trade-dress claims
- Represented in federal court a public company prosecuting trademark, trade dress and trade secrets dispute involving injunctive-relief hearing
- Represented as lead counsel a public company in contract dispute in federal court involving intellectual property rights and allegations of misrepresentation of trade secrets
- Represented as lead counsel a public company in trade secrets dispute in Ohio court resulting in injunction and judgment against former employee
- Represented in federal court a global company in financial services industry in copyright injunction matter
- Tried and won a case as lead counsel a public company in trademark royalty contract dispute, which involved successful prosecution of claim before Ohio trial court and subsequent collection of judgment

#### **Oil and Gas Litigation**

- Tried and won a jury verdict of \$3.5 million in federal court for an oil and gas company in a complex dispute involving contract to sell oil-and-gas assets
- Represented individuals in dispute over oil-and-gas lease agreement
- Represented a financial institution trustee in matter involving dispute over oil-and-gas business

#### **Probate Litigation**

- Representing financial institution trustee in various matters regarding trust administration issues
- Represented financial institution trustee in complex litigation to terminate trust
- Representing beneficiaries, co-trustees and co-executors in various disputes involving management of trusts and estates
- Represented the trustees and administrators in multiple litigation matters in matter involving dispute over management of trust and estate
- Represented beneficiaries, co-executor and co-trustees in probate dispute involving control of closely held business
- Representing beneficiaries of various trusts regarding dispute involving administration of trusts
- Represented a financial institution trustee in matter involving dispute over trustee's authority
- Represented as lead counsel a financial institution trustee in matter involving allegations of breach of fiduciary duty

- Represented as lead counsel a financial institutional trustee in will contest and trust dispute involving allegations of undue influence and incompetency
- Represented as lead counsel a financial institutional trustee in successful defense of trust
- Represented as lead counsel a charitable organization in probate litigation involving allegations of undue influence and competency
- Represented a financial institutional trustee and beneficiaries in will contest

## 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. 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 Wisconsin

## PRESENTATIONS

- “Why Businesses Should Care About Wills and Trusts,” Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 5, 2019
- “Recent Developments Regarding Business Competition/Non-Compete,” Central Ohio Association of Corporate Counsel, Feb. 9, 2017
- “Recent Developments in Business Competition Litigation,” Business and Commercial Litigation Seminar, Ohio Association of Civil Trial Attorneys, August 2014
- “Recent Developments in Ohio’s Business Competition Cases,” Central Ohio Chapter Association of Corporate Counsel, January 2014
- “The Attorney - Client Privilege,” Central Ohio Chapter Association of Corporate Counsel, October 2013
- “Recent Developments in Business Competition Litigation,” Porter Wright Annual Ethics & Trends in Litigation Seminar, Nov. 30, 2011
- “Cost-Effective Negotiation,” Preparing Effective Commercial Contracts CLE, June 2011
- “E-Filing in Common Pleas Court,” Columbus Bar Association Bench-Bar Retreat, May 2011

## PUBLICATIONS

- “And the future begins...,” *Columbus Lawyers Quarterly*, April 2012
- “I resolve...,” *Columbus Lawyers Quarterly*, January 2012
- “Visitation rights – A Russian visa, a Belarusian passport officer, and a German shepherd,” *Columbus Lawyers Quarterly*, October 2011
- “The family tradition meets the 21st century,” *Columbus Lawyers Quarterly*, July 2011

## PROFESSIONAL ASSOCIATIONS

- Columbus Bar Association, President, 2011-2012; Finance Committee, 2018-present; Representative for Columbus Bar Association to the American Bar Association House of Delegates, 2015-2018; Board of Governors, 2006-2013; Nominations Committee, 2019; Notary Public Committee, Chair, 2010-2011, Member, 2010-2020; New Lawyers Committee, Chair, 2001-2003; Barrister Leader Program, 1998-2000; Admissions Committee, 2004-present; Columbus Bar Services, Inc. (subsidiary of bar association), Board Member, 2009-2010; CBS Agency, Inc., Board Member, 2009-2010
- American Bar Association, House of Delegates, 2015-2018

- Ohio State Bar Association, District 7 Representative, Board of Governors, 2017-2020; Budget and Headquarters Committee, Chair 2019-2020; Leadership Committee, 2020
- Supreme Court of Ohio Commission on Technology and the Courts, 2008-2013
- Ohio State Bar Foundation, Class of 1999; Fellow, 1998-present
- Columbus Bar Foundation, Trustee, 2009-2010; Fellow, 2005-present

#### HONORS | AWARDS

- *Best Lawyers*<sup>®</sup>, Commercial Litigation, Litigation – Intellectual Property, and Litigation – Trusts and Estates
- *Ohio Super Lawyers*<sup>®</sup>
- *Ohio Super Lawyers*<sup>®</sup>, Rising Stars Edition, 2009
- Martindale-Hubbell<sup>®</sup>, AV Preeminent
- Heritage Day Health Centers, Heritage Awards for Caring, 2009
- Order of the Coif

#### COMMUNITY

- Mirolo Charitable Foundation, Secretary/Treasurer, 2014-present
- Economic & Community Development Institute, Board Member, 2015-2019
- Supreme Court of Ohio, Lawyer-to-Lawyer Mentoring Program, Mentor, 2009-present
- Upper Arlington Bear Cub Baseball, Head Coach and Assistant Coach, 2011-2019
- Upper Arlington Youth Football, Assistant Coach, 2017-2018
- Upper Arlington Mat Cub Wrestling, Volunteer Coach, 2013-2014
- The Ohio State University, Michael E. Moritz College of Law, Class of 1997 Reunion Committee – Class Chair, 2012; Member, 2007
- The Ohio State University, Moritz College of Law, Mentoring at Moritz program, 2005-2006
- Leadership Columbus, Class of 2002