

## JILLIAN L. DINEHART

SHAREHOLDER



### AREAS OF PRACTICE

Premises & Retail Liability  
Product Liability  
General Liability  
Construction Injury Litigation  
Public Entity & Civil Rights Litigation  
Non-Profit D&O  
Miscellaneous Professional Liability

### CONTACT INFO

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### ADMISSIONS

Ohio  
2010

U.S. District Court Northern District  
of Ohio  
2014

Sixth Circuit Court of Appeals  
2015

### EDUCATION

Case Western Reserve University  
School of Law (J.D., 2010)

State University of New York at  
Albany (B.A., magna cum laude,  
2006)

### OVERVIEW

Jillian defends corporate and individual insureds in product liability, construction, and other premises liability and personal injury claims. She also works extensively in the Professional Liability Department where her experiences includes, but is not limited to, defending municipalities and their employees in high-risk contract and tort matters, including wrongful death actions, labor and employment issues, and allegations of civil rights violations. She has practiced in both the state and federal system and has argued before the Sixth Circuit Court of Appeals.

Jillian grew up in the Finger Lakes region of New York and graduated from SUNY Albany with a Bachelor's Degree in Political Science and concentrations in Spanish and Arabic Language studies. She went on to receive her *juris doctor* from Case Western Reserve University School of Law, where she began her litigation career as an award-winning student in the Criminal Defense Clinic. Before joining Marshall Dennehey in 2017, Jillian had a varied civil practice working as a judicial staff attorney as well as an assistant director of law. She continues to use those public-sector skills in advocating for her political subdivision clients.

Outside of the office you are likely to find Jillian anywhere music can be found or walking her dogs through the Cleveland MetroParks.

### HONORS & AWARDS

The Best Lawyers: Ones to  
Watch®, Health Care Law  
2023

The Best Lawyers: Ones to  
Watch®, Personal Injury Litigation  
- Defendants  
2024

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## ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Cleveland Metropolitan Bar Association

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## YEAR JOINED

2017

## THOUGHT LEADERSHIP

### More Than Testimony Is Needed to Establish an Emergency Call for Immunity Purposes

**Cleveland**  
**Public Entity & Civil Rights Litigation**

**April 1, 2024**

A Cleveland police officer was stopped at a stop light. Without turning on his lights and sirens, he checked for oncoming traffic and advanced through the intersection.

### Sixth Circuit Discredits IRS Mileage Rate as Sufficient Payment to Employee Drivers Under the FLSA

**Cleveland**  
**Employment Law**

**April 1, 2024**

The Sixth Circuit recently considered a consolidated appeal regarding how delivery drivers should be reimbursed for the cost of providing their vehicles for work.

### Where to Draw the Line: Superseding Causes and Duty

**Cleveland**  
**Public Entity & Civil Rights Litigation**

**April 1, 2024**

Todd Howard was a resident at Bunker Hill, a home for wayward boys. He snuck out of the facility to meet with his friends, Zeb Freeman and Derrick Hizer. He snuck out through a path that was well-known to Bunker Hill, but unprotected.

### Mistake of Fact Is Insufficient for Qualified Immunity in an Operating While Intoxicated Arrest.

**Cleveland**  
**Public Entity & Civil Rights Litigation**

**January 1, 2024**

The plaintiff, an Asian male in the U.S. on a visa, was pulled over for a broken headlight. The plaintiff attempted to exit the vehicle during the stop, allegedly a possible sign of intoxication. During the stop, the officer smelled vodka. Case Law Alerts, 1st Quarter, January 2024 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

### Renewing a Faulty Insurance Policy Does Not Extend the Statute of Limitations.

**Cleveland**  
**Premises & Retail Liability**  
**Insurance Services – Coverage & Bad Faith Litigation**

**January 1, 2024**

The Eighth District Court of Appeals dismissed this complaint that alleged negligence and bad faith against an insurer and an agent after a fire-damage claim was denied. Case Law Alerts, 1st Quarter, January 2024 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

## CLASSES/SEMINARS TAUGHT

*Ohio Personal Injury Litigation: Secrets Only the Top Attorneys Know*, National Business Institute (NBI) Webinar, December 15, 2022

*Political Subdivision Tort Liability*, Cuyahoga County Common Pleas Court, August 2015

## PUBLISHED WORKS

"Understanding Municipalities' Rights and Liabilities in Weapons and Ordnance Legislation," *Cleveland Metropolitan Bar Journal* (page 18), December 2022

"Transferring a Plaintiff's Burden to the Court: In-Camera Inspections Are a Necessary Burden for Most Courts in Ohio," *Defense Digest*, Vol. 27, No. 5, December 2021

## PRO BONO ACTIVITIES

Brief Advice Clinic with Legal Aid Society of Greater Cleveland, 2009

Immigration Clinic with Catholic Charities, 2009

AmeriCorps Service Member benefitting Legal Aid of Western New York, 2009

## RESULTS

### Summary Judgment on Behalf of Former Mayor in Civil Rights Lawsuit

#### Public Entity & Civil Rights Litigation

**March 4, 2024**

Jillian won summary judgment in favor of her client, a former suburban mayor, after seven years of protracted litigation, arising out of alleged defamation. In 2016, Jillian's client was arrested for domestic violence. Although the criminal case was ultimately dismissed, the charge significantly tarnished her personal life and career and she lost re-election. In 2017, the police chief and a lieutenant that led the investigation into the criminal charge left their positions, allegedly forced out by the mayor.

### Successful defense of local municipality in employment law matter.

#### Employment Law

**July 25, 2019**

Several police cadets were not allowed to take the state licensing exam after the municipality learned that those cadets had been cheating to complete academy requirements. The cadets were referred for disciplinary charges and then terminated. They brought suit, alleging due process violations for allegedly holding sham post-disciplinary hearings, predetermining termination, and not allowing them access to the evidence against them. Select plaintiffs also alleged racial discrimination.

## SIGNIFICANT REPRESENTATIVE MATTERS

In 2023, Jillian went to trial in a motor-vehicle accident case in which she represented a driver that had died while the case was pending. There was also a large, financially successful, corporate co-defendant represented by other counsel. The plaintiff had sustained a broken arm in the accident that was surgically repaired. Jillian's client had admitted liability, so the case was solely to be heard on the value of the injury, and the liability of the corporate co-defendant. Likely counting on the deep pockets of the co-defendant, the Plaintiff's pre-suit demand was not rationally related to the injury or in the realm of similar verdicts in the region. During the first day of trial, Jillian formed a clear rapport with the jury panel, often engaging in friendly banter with the potential jurors about their own experiences in car accidents, injuries similar to the plaintiff's, and the social impact of surgical scars. This rapport was in direct contrast to a very dry voir dire by plaintiff's counsel and was bolstered by a similarly friendly voir dire by the co-defendant's counsel. The parties completed their opening statements and returned to court in the morning, at which time the plaintiff asked to engage in settlement discussions. As a result of Jillian's trial performance, the case settlement for \$1.5 Million less than the plaintiff's demand the day before trial.