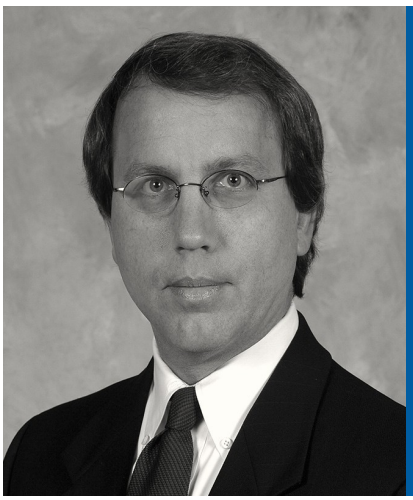
Dinsmore



Jerry S. Sallee

Of Counsel
jerry.sallee@dinsmore.com

Cincinnati, OH
Tel: (513) 977-8378

Jerry's practice focuses on the representation of private and public employers in all phases of labor and employment law. He appears on behalf of employers in both federal and state courts, as well as before various federal and state administrative agencies, boards and tribunals. He has trial experience in complex business litigation throughout the United States.

Services

- Employment
- Labor
- Litigation
- Appellate
- Labor Arbitrations
- Collective Bargaining Negotiations
- NLRB Issues
- Strike Preparation/Litigation
- Employment Discrimination Litigation
- Wage/Hour Law
- Wrongful Discharge
- Audits, Counseling & Training
- Insurance Industry
- Education Industry

Education

- Capital University School of Law (J.D., *cum laude*, 1980)
    - Order of the Curia

- University of Cincinnati (B.B.A., *magna cum laude*, 1976)
  - Beta Gamma Sigma

Bar Admissions

- Ohio

Court Admissions

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

Affiliations/Memberships

- America Bar Association, Tort and Insurance Practice Committee
- Cincinnati Bar Association, Civil Rights Committee
- Ohio State Bar Association, Labor and Employment Section
- National Human Resources Association
- Employers Resource Association
- University Club of Cincinnati, past president
- Childbirth Education Association of Cincinnati trustee
- Clermont County Chamber of Commerce
- Milford Chamber of Commerce
- Milford School System, Business Partners Program
- Jobs for Cincinnati Graduates, director

Distinctions

- Peer Review Rated AV in *Martindale-Hubbell*
- Ohio *Super Lawyers*®
  - For Employment & Labor (2021)
- *Best Lawyers*©
  - Employment Law - Management, Labor Law - Management, Litigation - Labor and Employment (2021-2024)

Experience

Successfully Represented Insurance Company in Policy Dispute

We represented our client, an insurance company, in a dispute over the application of a $5 million commercial umbrella policy following a fatal car accident. The case involved the owner of a car dealership, whose son was driving a dealership car that struck and killed a motorcyclist and the motorcyclist's estate. The estate and the owner of the dealership contended that the dealership's commercial umbrella insurance policy covered the owner's son because he was driving a car owned by the dealership, even though the son was not working for the dealership. After significant discovery disputes and motions practice, we sought a writ of prohibition from the West Virginia Supreme Court of Appeals based, in part, upon what was eventually found to be "outrageous conduct" by the owner of the dealership during the course of discovery. Ultimately, the West Virginia Supreme Court agreed with our position that the commercial umbrella insurance policy did not apply, and all claims against our client were dismissed.

Dismissal of ERISA Breach of Fiduciary Duty Claims
We represented an employer accused of failing to properly process an employee's benefits enrollment form, which resulted in the employee's spouse not receiving life insurance coverage. The employee alleged that our client negligently failed to procure the insurance coverage and breached its fiduciary duties under ERISA by failing to procure the coverage. We successfully argued that the employee's state law claims were preempted by ERISA and that she had failed to allege a cognizable breach of fiduciary duty claim under ERISA, which resulted in dismissal of all claims.

Obtained Writ of Prohibition from the West Virginia Supreme Court Dismissing Insurance Bad Faith Claims for Lack of Subject Matter Jurisdiction
We represented an insurance carrier accused of acting in bad faith in violation of West Virginia common law and the West Virginia Unfair Trade Practices Act in connection with the defense of an ongoing personal injury lawsuit and related declaratory judgment action concerning the scope of insurance coverage applicable to the personal injury lawsuit. The insurance carrier had offered what it considered the limits of the applicable coverage in order to settle the personal injury lawsuit, but this was insufficient to resolve the matter and the underlying plaintiff initiated a declaratory judgment action to seek an expansion of the amount of applicable coverage. Because the insureds wanted as much coverage afforded to them as possible for the personal injury lawsuit they asserted bad faith claims against the insurance carrier for taking the position it had offered its limits. The West Virginia Supreme Court found the insureds' bad faith claims were not ripe because the question of what coverage applied to the personal injury lawsuit had not been resolved. The West Virginia Supreme Court further noted there is basis for a bad faith cause of action when an insurance carrier retains independent counsel to defend an insured and separate counsel to prosecute a declaratory judgment action concerning the scope of coverage afforded to the insured.

Williams v. General Electric Company (S.D. Ohio)
We represented the General Electric Company in a lawsuit seeking $10M for age and disability discrimination. We prevailed prior to trial on the disability claim and prevailed at the jury trial on the age discrimination claim. The verdict was upheld by the Sixth Circuit Court of Appeals.

Represented Client in Sale of Family Business
We supported our client, a closely-held business, during its sale to a private equity buyer. We helped the business navigate the deal with a sophisticated buyer and buyer counsel and struck a necessary balance by following our client's lead on deal terms, strategy and work flow while identifying pitfalls and bringing market knowledge to bear.

Our client was concerned about their employees, customers and suppliers, and with obtaining proper value for their life's work. Ultimately, we helped our client achieve a successful exit and remain true to their values and principles.

Quantum Construction Company v. Board of Township Trustees of Anderson Township

Dinsmore & Shohl represented Quantum Construction Company ("Quantum") in a lawsuit filed against the Board of Township Trustees of Anderson Township ("Anderson Township") related to breach of contract and construction delay claims arising from Quantum's work as a general contractor on the construction of the Anderson Center. Anderson Township counterclaimed for more than one million dollars in liquidated damages pursuant to the parties' contract for construction delays. After significant litigation, Quantum favorably settled the case in return for a substantial payment by Anderson Township.

Stock Purchase

Dinsmore & Shohl represented our client, a British public company with operations in the sectors of infrastructure sensors, Health and Analysis and industrial safety, in a multi-million stock purchase transaction. The transaction involved review and analysis of issues involving intellectual property, employee benefits, real property, labor and employment and corporate formation.