



Bryan E. Pacheco

Partner

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Bryan has nearly 20 years of commercial litigation experience and has represented clients throughout various industries in cases ranging from breach of fiduciary duty and commercial disputes to intentional tort and real estate matters, including eminent domain and zoning. Knowing that litigation often disrupts his client's businesses, he employs aggressive strategies and works to efficiently reach a resolution that both protects his clients' interests and enables them to move forward. Bryan's recent successes include obtaining summary judgment (which was affirmed on appeal) for an international oil and gas company in a significant matter involving allegations of personal injury and property damage relating to emissions from a refinery formerly belonging to the client.

Services

- Litigation
- Municipal & Government

Education

- University of Cincinnati College of Law (J.D., 1997)
 - Order of the Coif
- University of Akron (B.A., 1992)

Bar Admissions

- Ohio

Court Admissions

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

Affiliations/Memberships

- Cincinnati Bar Association
- Ohio State Bar Association

- American Bar Association
- Hope Evangelical Free Church
- City of Blue Ash, Ohio, deputy solicitor
- Village of Silverton, Ohio, village solicitor

Distinctions

- Ohio *Rising Star*®
- *Best Lawyers*®
 - Commercial Litigation, Litigation – Construction, Personal Injury Litigation – Defendants (2021)

Experience

Charging Order Against Three LLCs Reversed

After a judgment had already been entered, the defendant hired Dinsmore to represent him in connection with the plaintiffs' collection efforts. The plaintiffs claimed our client was a member of three limited liability companies, and they asked the trial court to charge his alleged membership interests. We opposed the plaintiffs' motion for charging order because our client was not an owner of any of the LLCs, as evidenced by their operating agreements. Nevertheless, the trial court granted the plaintiffs' request. The First District Court of Appeals reversed, finding the trial court "lacked competent evidence of [our client's] membership" in the companies. The First District held: "when determining if an individual is a member of a limited liability company for the purpose of R.C. 1705.19, the trial court must consider records maintained by the company for the purpose of its corporate governance that name those owners entitled to receive distributions and share in the profits and losses of the company." Because "the only records of the limited liability companies before the trial court established" that our client was not a member of the LLCs, the trial court erred in granting the plaintiffs' motion for charging order.

Stanfield v. On Target Consulting, 1st Dist. Ham. App. No. C-160890, 2017-Ohio-8830.

Successful Representation of Municipality in Right to Take Hearing

Our client, a municipality, filed an action to appropriate private property for a road improvement project. The private owner challenged our client's right to take its property and the necessity of the appropriation. A Hamilton County, Ohio Court of Common Pleas judge heard testimony and evidence over six days. The court concluded the private owner's property was needed for our client's road project and the project was necessary to improve safety and traffic control and efficiency at the intersection. Finally, the evidence established that the municipality operated in good faith and fully complied with R.C. 163.04 and R.C. 163.59. Thus, the court determined our client had the right, and had established the required necessity, to appropriate the property for the road improvement project. We later tried the remaining parts of this eminent domain case to a jury for approximately two weeks.

James H. Huff, et al. v. Real Living, Inc., Case No. A0908858, Court of Common Pleas, Hamilton County, Ohio

Breach of contract from the collapse in 2005 of the 2002 merger of Huff Realty and HER Realtors, which formed Real Living. Under the terms of the 2005 dissolution, Real Living paid Huff's owners \$4 million for their share of

the merged company. They were to pay an additional \$4.5 million by Jan. 1, 2007. After a hearing, the judge agreed that Huff is entitled to payment, which is now \$5.8 million and building by \$1,110 a day with interest. The ruling was issued April 1, 2010 by Hamilton County Common Pleas Judge Steve Martin.