



Karen S. Hockstad

Partner

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Karen has more than 15 years of experience focused on commercial litigation and commercial finance. She works with publicly traded and closely held companies, banks, and call centers on consumer issues, including the Telephone Consumer Protection Act, the Junk Fax Protection Act, federal and state regulatory compliance issues, and state and local consumer and privacy issues. She is a national speaker on TCPA class action defense and has experience defending class actions nationwide. Karen has served as lead counsel in dozens of TCPA and JFPA cases across the country. In addition, she provides compliance advice and counseling to her clients ensuring that privacy policies, website terms and conditions, and contractual provisions ensure the maximum protection for her clients.

She also represents clients in employment-related matters, having defended several clients in both federal and state employment litigation, including overtime and discrimination cases. Karen provides her clients with contractual- and compliance-related employment advice, and assists in negotiating severance packages and employment claims. She is also heavily involved in the Ohio Community School (charter school) industry in both litigation and general business. In addition to regulatory and employment law litigation, she has served as lead counsel in a wide variety of complex commercial litigation matters involving contract disputes, corporate veil-piercing, commercial paper, commercial leases, shareholder disputes, and antitrust laws.

Karen also has experience representing a variety of businesses and entrepreneurs in transactional, tax, and employment matters. Her experience in the corporate world enables her to advise clients on a variety of issues, including business structure, organizational matters, and succession planning. She has handled numerous tax controversies with the IRS and state and local taxing authorities and has tried cases in front of the U.S. Tax Court. She serves as outside general counsel to many organizations in Ohio and Michigan, where she maintains active licenses. Understanding how businesses operate and business issues that often prompt or arise during litigation allows Karen to provide valuable services to her clients on the transactional side – drafting agreements that are clear and unambiguous – and to staunchly defend her clients in court.

Services

- TCPA Compliance & Defense
- Corporate & Transactional

- Litigation
- Class Action
- Antitrust & Trade Regulation
- Education Industry

Education

- Capital University School of Law (LL.M., 1994)
 - Taxation
 - Ohio Tax Review, editor & writer
- Detroit College of Law at Michigan State University
- University of Michigan (B.A., 1987)
 - Political Science

Bar Admissions

- Ohio
- Michigan

Court Admissions

- U.S. Tax Court
- 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
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois

Affiliations/Memberships

- Ohio State Bar Association
- State Bar of Michigan
- Columbus Bar Association
- Ohio State Bar Association, Corporate Counsel Section Council, chair
- Juvenile Diabetes Research Foundation, Mid-Ohio Chapter Network
 - Board member
 - Gala, past chair (2011)
 - Board of Directors, past president

- Conway Center for Family Business, Board of Trustees, chair
- Nationwide Children's Hospital, board member, past president
- Tim Horton's Children's Foundation, Fundraising Committee, past member
- Kiwanis Club of Downtown Columbus
- Safety Council of Central Ohio, past trustee
- University of Michigan Alumni Association of Central Ohio

Distinctions

- Peer Review Rated AV in *Martindale-Hubbell*
- Ohio Super Lawyer® by *Law & Politics Magazine*, Business, Business Litigation, and Employment Law
- Ohio *Super Lawyers*®
- Columbus Bar Association Community Service Award
 - Age 37 and Over Award
- Generation Next: 40 Under 40 award by *The State Journal*
- Volunteer of the Year from the Juvenile Diabetes Research Foundation (2011)
- Top Lawyers 2014 by *Columbus CEO* magazine
- CSPA/TCPA designation

Experience

Seeing Clearly: Dinsmore Helps Ohio Charter Schools Secure Greater Transparency from their Management Company

Across-the-board budget cuts and an unstable economy have dramatically impacted educational funding, making it more important than ever for each dollar to count. That's why a recent court decision that ordered a charter school management company to disclose detailed financial information about their expenditures could prove to be a significant win for all Ohio charter schools and their students.

We are currently representing a group of charter schools in the Cleveland/Akron area that are seeking access to the financial records of their for-profit management company. The schools currently are managed by White Hat Management, a private, for-profit entity responsible for using the fee paid to it by the charter schools' from state allocated revenue to operate the schools. According to the Management Agreement, the schools were required to turn over 96 percent of operating funds they received from the state to White Hat, who would in turn take responsibility for handling payroll,

facilities, and equipment and supplies purchases.

However, with several of the schools suffering academically, the schools sought to identify areas where additional or adjusted spending could lead to improvement. They then filed suit, alleging that White Hat refused to disclose how the state funds were currently being spent. White Hat alleged that they had followed state statutes in releasing a general expenditures report and that additional financial disclosures would reveal trade secrets.

During pre-trial discovery proceedings, the Franklin County Court of Common Pleas issued an order for the production of detailed financial statements, including tax returns and financial information about the companies affiliated with White Hat. The order was later upheld by the Franklin County Court of Appeals, which found that White Hat “offered little support to explain why the materials sought were confidential and proprietary.” The ruling could set an important precedent in the state regarding the financial obligations and transparency of private entities that manage charter schools.

White Hat may file an appeal to the Supreme Court of Ohio; however, it is our opinion that a decision on a discovery issue will not be accepted for review. There is a second appeal pending at the Franklin County Court of Appeals to determine who should retain ownership of property purchased by White Hat with the fee paid to it to operate the schools. We will provide updates as they occur.

Publications

March 26, 2020

Calls by Health Care Providers Regarding COVID-19 Do NOT Require Prior Express Consent

December 13, 2018

Ring in the New Year With Fewer TCPA Risks

March 19, 2018

Strategies in TCPA Defense post ACA International

September 17, 2015

Is Your Company Compliant with New TCPA Consent Requirements?

August 12, 2015

Exigent Healthcare Exemption Eases “Robocall” Burden Under TCPA, if You Qualify

November 11, 2013

Changes to the Telephone Consumer Protection Act Effective October 16, 2013