



Kelly E. Pitcher

Associate
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Kelly focuses her practice on commercial litigation and business disputes. Her extensive litigation experience enables her to effectively advocate for her clients throughout all stages of litigation, including pre-litigation counseling, pleadings, discovery, dispositive motions, and trial. She has experience researching complex legal issues, drafting motions and briefs, and managing the discovery process. Kelly's aggressive approach enables her to achieve efficient resolutions for her clients.

She has represented clients in a wide array of cases, including those involving breach of contract, trade secrets, unfair competition, shareholder/partnership disputes, eminent domain, personal injury, and insurance coverage disputes. She also has experience litigating cases brought under the False Claims Act and class actions brought under various consumer protection statutes, including the Fair Debt Collection Practices Act. She has second-chaired both bench and jury trials, including a breach of contract trial where the court rendered a full defense verdict for her client.

In 2017, Kelly was selected as a Rising Star by the YWCA of Greater Cincinnati's Academy of Career Women of Achievement. She serves as an alumni mentor for the University of Cincinnati's Taft Scholars program.

Services

- Litigation
- False Claims Act

Education

- University of Cincinnati College of Law (J.D., *summa cum laude*, 2015)
 - Dean's List Honors List
 - Law Review
- Indiana University (B.S., 2012)
 - Business

Bar Admissions

- Ohio

Court Admissions

- U.S. District Court for the Southern District of Ohio

Distinctions

- *Best Lawyers*®, Ones to Watch, Commercial Litigation (2021)

Experience

Suit Against Insurer Dismissed on Favorable Terms

We represented a liability insurer in complex, multi-party coverage litigation relating to a theft by a security guard. The guard stole equipment from a manufacturing facility where he was assigned to work. To recover the theft loss the manufacturer sued its own insurer, seeking coverage for property damage. The property insurer then brought a third party complaint against the security company under a theory of negligent hiring of the employee-guard. The security company then sued our client seeking coverage and a defense in the suit. We defended our client in its position that its policy, with its limited theft endorsement and in the absence of a fidelity bond, did not provide coverage or a defense for employee theft, regardless of the negligent hiring theory. After refusing to order a defense, and denying all dispositive motions, the court granted our motion to bifurcate and delay the claims against our insurer-client, indicating a potential for denying all coverage. Achieving this position of leverage allowed us to obtain an agreed dismissal of our client on confidential, favorable terms.

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.

Successful Representation of Client in Breach of Contract Dispute

We represented a Catholic parish (among others) in a lawsuit filed by a former principal who had been fired. All fourteen claims asserted by the plaintiff in his Second Amended Complaint were initially dismissed by the trial court. On appeal, the Second District Court of Appeals concluded that the trial court properly dismissed all of the claims except the breach of contract claim against the parish (the principal was employed by the parish). [*Boyd v. Archdiocese of Cincinnati*](#), 2nd Dist. Montgomery App. No. 25950, 2015-Ohio-1394. After the case was remanded, we tried the breach of contract claim for

two days in the Montgomery County, Ohio Court of Common Pleas. On December 7, 2016, the trial court entered judgment in favor of the parish. [Final Judgment Entry.](#)

Publications

July 25, 2017

Ninth Circuit Holds Escobar's Two Part Test Is Mandatory

April 26, 2017

Court Finds Escobar Prevents Relators from Using FCA as an All-Purpose Enforcement Tool

January 19, 2017

Tenth Circuit Affirms Multi-Million Dollar Attorney Fee Award Against Qui Tam Relator For "Frivolous" Claims