



Peter J. Georgiton

Partner
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Clients require creative, cost-effective solutions to their litigation needs. Peter, a commercial litigator, understands this and works tirelessly to aggressively represent clients, seeking unique solutions to resolve disputes favorably and with efficiency. Clients look to him to handle an array of high-stakes litigation matters in all phases, including mediation, trial, arbitration and appeal. He has represented clients in deceptive trade practice, disparagement, and tortious interference with contract disputes, breach of contract claims, antitrust claims, product liability litigation, patent litigation, closely-held corporation litigation, tort, professional liability, and transportation litigation, to name a few examples. He has represented clients in trial and appellate courts throughout Ohio and in multiple states, including the Supreme Court of Ohio and the United States Courts of Appeal for the Sixth and Federal Circuits.

Peter also focuses on representing insurers nationwide in insurance coverage matters. He advises the nation's largest insurers on coverage issues and best claims-handling practices, including with respect to first and third party claims and claims involving comprehensive general liability, property, automotive, non-trucking liability, excess workers' compensation, employment practices liability, directors and officers, and environmental coverages. He also represents insurers in coverage litigation and arbitrations, including litigation involving claims of bad faith. Peter has lectured several times on insurance issues, giving presentations for the American Bar Association's Insurance Coverage Litigation Committee, National Business Institute, and Dinsmore's Annual CLE.

Presently, he serves as a co-chair of the Bad Faith Subcommittee for the American Bar Association's Insurance Coverage Litigation Committee. Peter also serves on Dinsmore's Professional Development Committee.

Services

- Litigation
- Insurance Industry

Education

- The Ohio State University Moritz College of Law (J.D., *with honors*, 2002)
 - Ohio State Law Journal, editor-in-chief

- Wittenberg University (B.A., *summa cum laude*, 1999)
 - History
 - Phi Beta Kappa

Bar Admissions

- Ohio

Court Admissions

- U.S. Court of Appeals for the Federal Circuit
- 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 Central District of Illinois
- U.S. District Court for the Eastern District of Tennessee

Affiliations/Memberships

- American Bar Association
 - Insurance Coverage Litigation Committee
 - Bad Faith Subcommittee, co-chair
- Columbus Bar Association
- Center of Science and Industry (COSI)
 - Community Board member
- Dublin AM Rotary Club
 - Board member
- Friends of the Cincinnati Pops, past chair
- Ohio State Bar Association
 - Leadership Academy, Class of 2010
- Schoolhouse Symphony
 - Past Board of Directors
 - Past president of board
- Fine Arts Fund, Business on Board Program Graduate (2007)

- Ohio State Bar Foundation, fellow (2011)
- Cincinnati Symphony Volunteer Association, past board member
- Cincinnati Pops, Lollipops Concerts Committee, past co-chair

Distinctions

- Ohio *Rising Star*®

Experience

Counseled Leading ULT Freezer Company through Merger

We counseled our client, Stirling Ultracold, an innovative developer and manufacturer of ultra-low temperature (ULT) freezers for life science and biopharma research, through its merger with BioLife Solutions, Inc., a developer focused on bioproduction devices used in cell and gene therapies. The all-stock merger was in excess of \$230 million.

Stirling's CEO saw the potential for increased demand for the company's freezers during the COVID-19 pandemic as the freezers were a direct competitor to dry ice used in storing the COVID-19 vaccine. Merging with BioLife enabled Stirling to execute an aggressive strategic plan marketing and selling its freezers. Dinsmore served as the company's general counsel since 2019, and our team of attorneys brought experience in mergers and acquisitions, labor, insurance, and life sciences, all of which was necessary to fully understand and address the company's specialized needs. We counseled our client through the merger while simultaneously defusing challenges. Our team's collective experience enabled Stirling's executives to address the company's short-term needs while also achieving its long-term goal.

"The entire team at Dinsmore was, by far, the best engagement I have had in the 15-plus strategic transactions I have done throughout my career," said previous Stirling Ultracold CEO Dusty Tenney, now COO and president at BioLife. "Their responsiveness, engagement, availability and deal leadership were extraordinary from LOI to closing."

Chemed Corporation v. PCI Holding Corp., et al.

We represented Chemed Corporation and its subsidiary Vitas Healthcare Corporation in litigation which we initiated on behalf of Chemed to collect disputed amounts owed as a result of a sale of a former Chemed home health care subsidiary. The defendant asserted numerous counterclaims for breach of contract and alleged fraud and misrepresentation in connection with the sale. After the filing of summary judgment and numerous other pretrial motions, the case was successfully settled shortly before trial.

Nash Finch Company Litigation

We were lead counsel for grocery wholesaler Nash Finch Company and its subsidiary Super Food Services, Inc. in "Fleming" suit brought against Nash Finch/Super Food by grocery retailers alleging breach of contract, fraud and other claims arising out of prices charged retailers for goods and services. Summary judgment for Nash Finch and Super Food on all claims was affirmed on appeal. *Super Food*

Services v. Munafo, Inc., 2000 Ohio App. LEXIS 779. We have subsequently been lead counsel for Nash Finch and Super Food in numerous other cases from 2001 through the present in Ohio and Kentucky involving breach of contract, fraud, antitrust, consumer protection and related claims.

Publications

December 16, 2022

Supreme Court of Ohio: No Insurance Coverage Provided for Lost Revenue Caused by COVID-19 Shutdowns

January 8, 2019

Discretionary Dismissal of Insurer's Declaratory Judgment Action on Coverage Upheld
American Bar Association Insurance Coverage