

CURRICULUM VITAE OF
ELLEN MAGLICIC KRAMER

BAR ADMISSIONS

State of Ohio, 1991

United States District Court, Southern District of Ohio, 1992

United States District Court, Northern District of Ohio, 1993

United States Court of Appeals, Sixth Circuit, 1993

United States District Court, Eastern District of Michigan, 2013

LEGAL EXPERIENCE

Cohen Rosenthal & Kramer LLP, Cleveland, Ohio Partner, December 2002 – present
Practice focuses on sophisticated corporate and commercial disputes, employment litigation as well as class action and consumer rights cases. Clients include employees, consumers, shareholders, debtors, creditors, receivers, bankruptcy trustees, public school districts, limited liability companies, employees and victims of legal malpractice.

Gary Naegele & Theado, Lorain, Ohio Associate, April – November 2002
Trial and appellate advocacy in commercial and class action cases.

Kohrman Jackson & Krantz P.L.L., Cleveland, Ohio Associate, September 1992 - March 2002
Trial and appellate advocacy in commercial and bankruptcy cases.

United States Bankruptcy Court, Southern District of Ohio, Columbus, Ohio Judicial Law Clerk, Hon. R. Guy Cole, Jr., August 1991 – September 1992
Drafted opinions, orders, correspondence and research memoranda; prepared for and attended numerous bankruptcy hearings; reviewed bankruptcy filings for compliance with the United States Bankruptcy Code.

REPRESENTATIVE CASES

LRC Realty, Inc. v. B.E.B. Properties, 11th Dist. Geauga, 2018-Ohio-2887 – Summary judgment reversed in dispute over right to rents from telecommunications tower located on commercial property.

Jewell v. Aaron, Inc., Northern District Georgia 2015 – \$1,300,000 settlement of a conditionally certified nationwide collective action for employees who alleged they were not paid for work performed during automatically deducted meal periods.

Murria v. The Ohio State University, Southern District Ohio 2021 – Settlement of race

discrimination case filed by staff nurse at the University's Wexner Medical Center for \$89,000 within 4 months of case being filed.

Hawes v. Downing Health Technologies, 8th District Court of Appeals (Cuyahoga) Case No. CA-21-110920 – Our Client was one of several defendants sued by a former employee/investor of Downing Health for fraudulent inducement, breach of fiduciary duty, violation of Ohio's Blue Sky Laws and civil conspiracy. Our client appealed a lower court ruling against him after a bench trial. The Appeals Court reversed the large majority of the trial court's decision in May of 2022.

Burke v. Micallef, U.S. Bankruptcy Court, Eastern District of Michigan Adv. Proc. No. 18-04429 – Our clients were creditors who dispute the dischargeability in bankruptcy of their claim against a Chapter 7 debtor. Settled.

Reynolds v. University Hospitals, et al., Cuyahoga County Comm. Pleas Case No. 18-CV-896587 – Our clients were a married couple who lost embryos when a storage tank at University Hospitals of Cleveland which was storing those embryos malfunctioned in March of 2018. Settled.

Shanker v. Visiting Nurse Association of Ohio, et al., Cuyahoga County Common Pleas Case No. CV-20-928522 – Settlement after trial court denied employer's motion for summary judgment on claims for race and national origin discrimination.

Obtained six figure settlement from confidential settlement of dispute against cryptocurrency speculator for civil theft of cryptocurrency from unsuspecting widow.

Obtained six figure confidential settlement in legal malpractice litigation on the day jury trial was to start.

Django Trucking, LLC v. A&H Trucking, Inc., Cuyahoga County Comm. Pleas Case No. CV-18-900595 – Our client was a small family-owned trucking company which was damaged by negligent truck repair and breach of warranty. Settled.

Johnson v. Home Time Corporation, Cuyahoga County Comm. Pleas Case No. CV-17-885520 – Our client owned commercial real estate which was transferred to the defendant when her name was forged on a quit claim deed. Settled.

Daher v. Heutsche, Cuyahoga County Comm. Pleas Case No. CV-16-868778 – Our client was injured by legal malpractice committed in the course of a domestic relations proceeding. Settled.

Goldberg v. Mosdos Ohr Hatorah, Cuyahoga County Comm. Pleas Case No. CV-15- 848776 – Our client was a creditor of a religious school which was put into receivership. Our client ultimately received a distribution.

Morgan Stanley Smith Barney v. Silverstein, FINRA Arb. Case No. 14-01622 – Our client was a financial advisor whose former employer attempted to recover monies advanced to her when she originally accepted employment, but our client counterclaimed for unjust enrichment and setoff. Settled.

Marriott v. Andrew Garrett, Inc., FINRA Arb. Case No. 13-00769 – Our client filed claims against an investment firm and her advisor at the firm alleging breach of fiduciary duty, fraud, violation of the Deceptive Trade Practices Act and failure to supervise. Settled.

Morgan Stanley Smith Barney v. Kitzberger, FINRA Arb. Case No. 11-00689 – Our client was a financial advisory whose former employer attempted to recover monies advanced to him when he originally accepted employment, but our client counterclaimed for several different breaches of contract. Settled.

Wohlabaugh v. Ameriprise Financial Services, Inc., FINRA Arb. Case No. 11-00690 – Our client filed claims against an investment firm and his advisor at the firm alleging fraud, violation of investment laws, failure to supervise and breach of fiduciary duty. Settled.

Chernock v. First Place Bank, Amer. Arb. Ass'n Case No. 53 166 00365 13 – Our client, the Director of IT at the defendant bank, had a Change in Control Severance Agreement with the bank which was not honored when there was a change in control, and he was terminated. Following an arbitration, our client was awarded the entire amount of the severance he had been seeking, plus the legal fees he had incurred.

Miller v. First Place Bank, Amer. Arb. Ass'n Case No. 53 166 9 14 – Our client, a Vice President at the defendant bank, had a Change in Control Severance Agreement with the bank which was not honored when there was a change in control, and he was terminated. Settled.

NOTABLE REPORTED CASES

Hawes v. Downing Health Technologies, LLC, 8th Dist. Cuyahoga No. 110920, 2022-Ohio-1677 (May 19, 2022)

LRC Realty, Inc. v. B.E.B. Properties, 160 Ohio St.3d 218, 155 N.E.2d 852 (2020)

Winston v. Cuyahoga Metropolitan Housing Auth., 2018 WL 6299994 (N.D. Ohio 2018)

Chemical Bank v. Kausmeyer, 2016 WL 7178662 (N.D. Ohio 2016)

Nye v. Eastman & Smith, Ltd., 2013 WL 5813804 (6th Dist. App. 2013)

In re Koenig Sporting Goods, 203 F.3d 986 (6th Cir. 2000)

In re Economy Lodging Sys., 234 B.R. 691 (6th Cir. BAP 1999)

Cole v. Mileti, 133 F.3d 433 (6th Cir. 1998)

PUBLICLY ELECTED POSITIONS

Brecksville Broadview Heights City School District School Board, January 2018 – present
Board Vice President, January 2021 – present

SPEAKING ENGAGEMENTS

“Nuts & Bolts of Law Practice Management” – Cleveland Metropolitan Bar Association
Seminar May 2019

“Secure Decent, Affordable Housing” – The Legal Aid Society of Cleveland 2014 Annual
Luncheon & Report to the Community

PROFESSIONAL ASSOCIATIONS

Ohio State Bar Association

Cleveland Metropolitan Bar Association

Member Bar Admission Committee, 2018 – present

Ohio Council of School Board Attorneys, 2018 - present The Legal Aid Society of Cleveland
Volunteer Lawyer, 2009 – present

Member Lawyer Referral Service, 2016 – 2022

EDUCATION

The Ohio State University Moritz College of Law, Columbus, Ohio, J.D.,
Member, The Ohio State Law Review

John Carroll University, University Heights, Ohio, B.A. *cum laude*,
Major: History, Minor: Business

REFERENCES

Available upon request.