

## TIMOTHY B. SCHENKEL

CO-CHAIR, AUTOMOBILE LIABILITY PRACTICE GROUP  
SHAREHOLDER



### AREAS OF PRACTICE

Automobile Liability  
General Liability  
Product Liability  
Fraud/Special Investigation  
Trucking & Transportation Liability

### CONTACT INFO

(513) 372-6812  
[TBSchenkel@mdwgcg.com](mailto:TBSchenkel@mdwgcg.com)

312 Elm Street  
Suite 1850  
Cincinnati, OH 45202

### ADMISSIONS

Ohio  
1993

Kentucky  
1992

U.S. District Court Southern  
District of Ohio

U.S. District Court Eastern District  
of Kentucky

U.S. Court of Appeals 6th Circuit

### EDUCATION

Salmon P. Chase College of Law  
(J.D., 1992)

University of Dayton (B.S., cum  
laude, 1988)

### HONORS & AWARDS

AV® Preeminent™ by Martindale-  
Hubbell®

Ohio Super Lawyers Rising Star  
2005

## OVERVIEW

For more than 20 years, Timothy B. Schenkel has handled a wide variety of cases in the fields of premises liability, product liability, trucking and transportation, automobile liability, construction and business litigation claims. He services the needs of his clients in the southwest Ohio region and throughout the Commonwealth of Kentucky. There he has defended individuals, insurance companies and major corporations in complex litigation within his practice areas. Some of his clients include general contractors, restaurants and major retail establishments. As an experienced trial attorney, Tim has tried numerous casualty cases to a jury verdict and throughout the appeals process.

Prior to joining Marshall Dennehey, Tim spent the beginning of his legal career handling insurance defense for a firm in Northern Kentucky and more recently with a regional litigation firm in Cincinnati. Tim is active in his local parish, Our Lady of Victory parish and with the Elder High School.

Tim received his *juris doctor* from the Salmon P. Chase College of Law in 1992 and is admitted in the State of Ohio and the Commonwealth of Kentucky.

## THOUGHT LEADERSHIP

### On the Pulse...My Old Kentucky Home

#### Cincinnati

#### September 1, 2017

Defense Digest, Vol. 23, No. 3, September 2017 By Timothy B. Schenkel, Esq.\* Defense Digest, Vol. 23, No. 3, September 2017. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

### CLASSES/SEMINARS TAUGHT

*The Golden Rule of Ethics: Treat Others Like You Would Treat Your Grandma!*, 2016 Ohio Joint Insurance Fraud Seminar, March 9, 2016.

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## ASSOCIATIONS & MEMBERSHIPS

Cincinnati Bar Association

Kentucky Bar Association

Northern Kentucky Bar Association

Ohio State Bar Association

## RESULTS

### Contractor's Fall Not Homeowner's Fault

#### General Liability

**June 8, 2015**

Obtained summary judgment on behalf of a homeowner in a case pending in Mason County, Kentucky. The plaintiff was an independent contractor hired to trim trees on the defendant's property. He sustained severe and debilitating injuries after falling over 30 feet from an extension ladder, including multiple back fractures and has incomplete right T11, left T12, and incomplete L3 motor paraplegia due to his fall. Further, his doctors opined that he would be wheelchair bound and have a permanent total disability from work for the remainder of his life.

#### SIGNIFICANT REPRESENTATIVE MATTERS

Successfully obtained defense jury verdicts on numerous premises liability claims in the Commonwealth of Kentucky involving unknown substances on restaurant floors, hidden dangers on athletic playing surfaces and defective conditions on rental property.

Obtained a defense verdict in a jury trial where the case involved allegations of negligence on the part of the bar for not diffusing a volatile situation and making sure that a patron who was kicked off the premises actually left the premises. Convinced the jury that it was the actions of the two patrons who ended up in an altercation that were the proximate cause of Plaintiff's injuries rather than any actions or inactions of the bar itself.

Obtained summary judgment on a claim where Plaintiff fractured her leg after falling into a hole on property owned by Valley Street, Ltd. After parking her vehicle in the grassy area, the Plaintiff fell as she walked through the grassy field on her way to a community festival. Successfully argued that the size of the hole made it open and obvious, in addition to convincing the Court that Valley Street, Ltd. acted with reasonable care in inspecting the property for hidden defects. The summary judgment was affirmed by the Ohio Court of Appeals.

Obtained summary judgment on a claim where the Plaintiff was discharged from bankruptcy five months after filing her lawsuit against our client. The Plaintiff failed to disclose her lawsuit to the bankruptcy trustee at any time before she was discharged. Summary judgment was granted on the basis of judicial estoppel, which the Plaintiff appealed. On appeal, Ohio's First District Court of Appeals affirmed the trial court's decision, finding that as a result of pursuing her claim without disclosing the claim as an asset in bankruptcy, the Plaintiff was judicially estopped from pursuing the claim.