



Donald W. Davis, Jr.

Member



Don is a successful commercial litigator with over 30 years of experience providing high quality representation to individuals and entities such as sole proprietorships, small and mid-size businesses, municipalities, counties, agencies, institutions and the State of Ohio. By valuing diversity in people, opinions, and experience, he has dedicated his career to be a legal counselor that continually learns by listening.

Don has extensive experience in complex litigation. He was local counsel for Summit County, Ohio, a bellwether in the nationwide Opioid multi-district litigation and was engaged in the origination of The One Ohio Recovery Foundation opioid settlement structure and design. He also represented the State of Ohio as Special Counsel for the Ohio Attorney General in securities litigation and pharmaceutical pricing litigation.

A flexible and creative trial attorney, Don represents clients in the following practice areas:

- Business and Commercial Litigation
- Securities Litigation
- Creditor's Rights
- Trade Secret and Non-competition Litigation
- Business Owner Dispute Litigation

Contact Information

75 E Market Street, Akron, Ohio 44308

Email Address: dwdavis@bmdllc.com

Phone Number: 330.374.5189

Education

The University of Akron School of Law, J.D.

Bowling Green State University, B.S. Business Administration

Honorable Frank J. Bayer, Court of Common Pleas, Summit County, Ohio, Clerkship

Representative Matters

- **2022** Represented Ohio Bureau of Workers' Compensation with co-counsel in litigation against OptumRx Administrative Services, LLC for breach of pharmacy benefit services agreement. The claims were settled for \$15,000,000. Court of Common Pleas, Franklin County, Ohio.
- **2022** Represented Ohio Department of Administrative Services with co-counsel in regard to its pharmacy benefit services agreement with OptumRx Administrative Services, LLC. OptumRx paid the Ohio Department of Administrative Services \$7,000,000 to resolve these issues.
- **2021** Represented Ohio Department of Medicaid with co-counsel in litigation against Centene Corporation for

breach of contract and fiduciary duty as to represented pharmacy benefit costs. The claims were settled for \$88,000,000. Court of Common Pleas, Franklin County; US District Court, Southern District of Ohio.

- **2020** Represented business in two-week jury trial against joint venture partner and ex-employee, who sought “bet the company” damages. Jury awarded opponents zero. Court of Common Pleas, Cuyahoga County, Ohio.
- **2019** Represented physician in one-and-a-half-week jury trial and obtained jury verdict enforcing agreement in favor of client and against prior practice group. Court of Common Pleas, Summit County, Ohio.
- **2019** Local counsel for Summit County, Ohio in Opioid MDL in U.S. District Court, Northern District of Ohio with partial settlement for client of over \$100,000,000.
- **2017** Represented Kent State University against software developer in the U.S. District Court, Northern District of Ohio, asserting present intent fraud and breach of contract. Matter settled favorably for client after Court declined to dismiss fraud and breach of contract claims.
- **2016** Represented partnership of over 200 physicians that owned majority interest in operating hospital against minority owners (competing hospital). After three-week jury trial, jury found for client on primary issue for permitting continued control of hospital by client and the matter was resolved on favorable terms. Court of Common Pleas, Summit County, Ohio.
- **2015** Ohio counsel for Ohio Public Employees Retirement System as a plaintiff in the U.S. District Court, Southern District of New York class action lawsuit against Chase Bank for the actions of “London Whale”. The action settled for \$100,000,000.
- **2014** Represented the Ohio Public Employees Retirement System, the State Teachers Retirement System, and the State of Ohio, Bureau of Workers’ Compensation in a direct action against McKesson Corporation, in U.S. District Court, Northern District of California which settled for \$18,000,000.

Courts & Bar Associations

- Ohio Bar
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. Court of Appeals, Sixth Circuit
- U.S. Supreme Court
- Akron Bar Association
- Ohio State Bar Association
 - Sections: Litigation and Corporate Counsel Committee
- American Bar Association
 - Section of Litigation: Corporate Counsel and Co-Chair for the Trial Practice Committee (2022-2023)
 - Forum on Franchising
- Federal Bar Association

Professional & Civic Affiliations

- National Association of Public Pension Attorneys
- Scanlon/Bell American Inn of Court
- St. Hilary Knights of Columbus Council #14551
- Ancient Order of Hibernians, Mark Heffernan Division #2

Professional Honors & Awards

- The Best Lawyers in America®, Real Estate Law and Corporate Law (2024)

Presentations & Publications

- Moderator. From the Bench: Effective Use of Demonstratives, Presentation, and Persuasion. Panelists: Hon.

Jeffrey Cavender, U.S. Bankruptcy Court, Atlanta, GA; Hon. Shukura L. Ingram, Superior Court of Fulton County, Atlanta, GA; Hon. Eric Richardson, Superior Court of Fulton County, Atlanta, GA. American Bar Association, Section of Litigation, Annual Meeting, Atlanta, GA (April 2023)

- Sponsor: Crisis Management for Litigators: When “No Comment” Won’t Cut It and A Review and Update on Civil Rule 30(b)(6). American Bar Association, Section of Litigation, Annual Meeting, Atlanta, GA (April 2023)
- Sponsor: From the Bench: Dos, Don’ts, and Stories from the Front Line: The Jury Has the Case and You Are in the Hall: What Key Issues Should be Focused On; and Experts: Communicating Complex Ideas and Issues in Litigation Consistent with Messaging Trends. American Bar Association, Section of Litigation, Annual Meeting, Miami, FL (May 2022)
- Sponsor: Mediation: In the Land of Zoom; American Bar Association, Section of Litigation, Roundtable (February 2021)
- Sponsor: Women Throwing Shade: How It Was, How It Is, and Winning in Spite of It and Opening Statement, Go Wisely and Slowly. Those Who Rush, Stumble and Fall; American Bar Association, Section of Litigation, Annual Meeting, New York, NY (May 2019)
- Sponsor: SCOTUS Selfie; American Bar Association, Section of Litigation, Corporate Counsel, Annual Meeting, Miami, FL (February 2015)
- Sponsor: Exceptions to Attorney Client Privilege, American Bar Association, Section of Litigation, Roundtable (January 2014)
- Co-Sponsor: Shortcuts to Trial Wisdom; Northeast Ohio Regional Seminar, American Bar Association, Section of Litigation, Akron, Ohio (June 2013)

Practice Areas

Litigation

Creditor's Rights

Contact Donald Today!