

**GARY W. JOHNSON**



Partner **GARY W. JOHNSON** focuses his efforts in commercial litigation, business entities creation and maintenance, land use, construction law, zoning, estate planning and probate. After receiving a B.S.B.A. from Georgetown University, he completed his J.D. at the University of Toledo Law School, obtaining his Ohio Bar admission in 1979. He completed a two year clerkship in the Ohio Eighth Appellate District and became a Cuyahoga County Assistant County Prosecutor. Gary has admission to the United States District Court for the Northern District of Ohio and the Sixth Circuit Court of

Appeals. Gary is an AV-preeminent rated attorney by Martindale-Hubbell and since 2013, he has been named an *Ohio Super Lawyer* in Business Litigation by Thomson Reuters. He has been chairman of the Lakewood Planning Commission and is past President of the Cleveland Georgetown University Alumni Association and the St. Ignatius Alumni Association and is involved with various charitable boards.

**Representative Published Opinions**

- ) Successfully opposed class-action certification in an action for fraud and alleged violations of the Ohio Consumer Sales Practices Act and the Federal Truth in Lending Act arising from plaintiff's purchases of used motor vehicles. Also obtained dismissal of the underlying action on the merits. *James D. Stout, et al. v. J.D. Byrider, et al.*, (U.S. Dist. CT. Case No. 98-02830, aff'd on appeal), 228 F.3d 709 (6th Cir., 2000).
- ) Obtained Summary Judgment in favor of a potentially responsible party ("PRP") in an action brought by another PRP seeking to hold the defendant PRP jointly and severally liable for costs under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), a judgment which was affirmed on appeal. *Centerior Service Co., et al., v. ACME Scrap Iron & Metal Corp., et al.*, (U.S. Dist. CT. for the Northern District of Ohio, Case No. 94-01588, aff'd), 153 F.2d 344, (6<sup>th</sup> Cir., 1998).

- ) Obtained Summary Judgment for the defendant in a case claiming breach of express and implied warranties, violation of the Magnuson-Moss Warranty Act and violation of the Ohio Consumer Practices Sales Act, *Walter Zaremba v. Martin Lumber & Cedar Co.*, 458 F.Supp.2d 545 (D.C. Ohio, 2006).
- ) Successfully compelled arbitration in a case alleging fraud, violations of Ohio's Consumer Sales Practices Act and the Federal Truth in Lending Act arising from the plaintiff's purchase of used motor vehicles. *James D. Stout, et al., v. J.D. Byrider, et al.*, 50 F. Supp.3d 733 (D.C. Ohio, 1999).
- ) Participated in a nine-week trial, obtaining a directed verdict in environmental coverage litigation in *Goodyear Tire & Rubber Co. v. Aetna Casualty & Surety*, 95 Ohio St.3d 512.
- ) Obtained judgment after a bench trial in favor of a developer in a claim brought by the plaintiff/tenant who alleged that he was entitled to rent abatement due to the defendant's failure to complete construction and the landlord's cross-claim for eviction and past-due rent. Successfully defended that judgment on appeal. *Edward B. Nenandal, et al. v. The Landerwood Company, et al.*, 1994 Ohio App. LEXIS 2079 (Cuy. Cty. App., 1994).
- ) Obtained a directed verdict for an automobile dealership and manufacturer on plaintiff's claim for breach of express warranties, deceptive trade practices, fraud and negligence, and successfully defended that judgment on appeal. *Walker v. Cadillac Motor Car Division, et al.*, 64 Ohio App.3d 220 (Cuy. Cty. App., 1989).
- ) Over 60 civil jury trials and more than 90 appeals for such clients as ADT Security Services, Inc., UBS, General Motors Corporation, Columbia Building Products, Ohio Broach & Machine, Inc., Palmer Holland, Inc., J.D. Byrider, Inc. and numerous insurance companies, both primary and excess.

**Contact Information**

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