Practice Areas

Appellate

Antitrust & Trade Regulation

Bar Memberships

Ohio

Matthew C. Blickensderfer

Chief Legal Officer

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Matt is the firm's Chief Legal Officer. In this role, he leads the firm's ethics, compliance, new business intake, and risk management operations. Matt oversees a team of approximately 30 lawyers and business professionals in the firm's Office of Legal Affairs.

Prior to moving into his role as the firm's principal lawyer, Matt led the firm's Appellate Service Team. He represented clients in federal and state appellate courts, with an emphasis on the United States Court of Appeals for the Sixth Circuit and the Supreme Court of Ohio. Matt is a fellow of the American Academy of Appellate Lawyers.

Matt's Relevant Experience

Appeals

Starlink Logistics, Inc. v. ACC, LLC, 101 F.4d 431 (6th Cir. 2024) –Matt scored a partial reversal of the dismissal of our client's environmental citizen suit. The district court had dismissed some claims based on claim preclusion and others based on failure to meet the statutory prerequisites for environmental citizen suits. The Sixth Circuit reversed the claim preclusion ruling and remanded those claims, while leaving the door open to refiling of the other claims dismissed based on the statutory prerequisites.

Reister v. Gardner, 20 N.E.3d 145 (Ohio App. 2022) – Matt represented a manufacturer in this successful appeal to reverse the dismissal of our client as an interested party under Ohio's declaratory judgment statute.

Marquette ORRI Holdings, LLC v. Ascent Resources-Utica, LLC, 199 N.E.3d 199 (Ohio App. 2022) – Matt successfully represented the lessee in a case of first impression involving overriding royalty interests in oil and gas leases.

Floyd County Mutual Insurance Association v. CNH Industrial America LLC, 18 F.4th 1024 (8th Cir. 2021) – Matt successfully represented a manufacturer of agricultural equipment in this case of first impression about Iowa's economic loss doctrine.

Gabbard v. Madison Local School District Board of Education, 165 Ohio St.3d 390 179 N.E.3d 1169 (Ohio 2021) – Matt represented a local school district in a statutory construction dispute about the power of school districts to authorize individuals to carry firearms on school property. The narrow 4-3 loss for our side, which received widespread media coverage, was later overturned by the Ohio General Assembly's statutory amendment.

Louisville Gas & Electric Co. v. Federal Energy Regulatory Commission, 988 F.3d 841 (6th Cir. 2021) – Matt represented a utility company in this petition for review from an order of the Federal Energy Regulatory Commission. FERC's order required our client to pay transmission charges incurred by a municipal utility for delivery of electricity over the Midwest Independent System Operator (MISO), a regional electricity transmission grid. The Sixth Circuit granted the petition, finding that FERC's order was arbitrary and capricious.

Reister v. Gardner, 164 Ohio St.3d 546, 174 N.E.3d 713 (Ohio 2020) – This case involved whether Ohio's litigation privilege barred breach-of-fiduciary duty claims against directors of a nonprofit trade association. The directors had rejected a favorable settlement offer, leading to a $43 million judgment against the association. Matt represented the judgment creditor, one of two parties seeking reversal of lower court rulings that held the litigation privilege barred the claims. The Supreme Court of Ohio unanimously held that the litigation privilege did not bar the claims and reversed the unfavorable court of appeals ruling to the contrary.

City of Athens v. McClain, Tax Commissioner, 163 Ohio St.3d 61, 168 N.E.3d 411 (Ohio 2020) – Matt represented a coalition of more than 150 Ohio municipalities in a constitutional challenge to portions of two tax statutes passed by the Ohio General Assembly. The legislation at issue centralized collection of municipal corporate taxes at the state level and allowed the state to retain a portion of the collected taxes to cover the cost of the centralized administration scheme. The Supreme Court of Ohio upheld the centralized collection but struck down the state's attempt to withhold any of the collected municipal taxes.

NASCAR Holdings, Inc. v. Testa, 152 Ohio St.3d 405, 97 N.E.3d 414 (Ohio 2017) – Matt represented an out-of-state corporation in this appeal involving appellate jurisdiction. The Board of Tax Appeals had dismissed our client's appeal (filed by another law firm) on jurisdictional grounds. The Supreme Court reversed and reinstated our client's appeal.

State ex rel. Doner v. Zehringer, 139 Ohio St.3d 314, 11 N.E.3d 1152 (Ohio 2014) – Matt represented the Ohio Department of Natural Resources and its Director in this contempt proceeding involving underlying eminent domain actions that the Supreme Court of Ohio had previously ordered the Department to file. Before Frost Brown Todd's representation began, the Supreme Court of Ohio had held the Department and its Director in contempt for delays in initiating the eminent domain actions. Subsequently, after Frost Brown Todd began representing the Department and its Director, the property owners filed a second contempt motion based on events in the underlying actions. The Supreme Court unanimously rejected the property owners' second contempt motion.

Huffman v. Hilltop Companies, LLC, 747 F.3d 391 (6th Cir. 2014) – Matt represented a company in the successful appeal of a federal district court's refusal to compel arbitration of cases brought under the Fair Labor Standards Act. The district court had denied a motion to compel arbitration despite the existence of arbitration clauses in the plaintiffs' independent contractor agreements with Hilltop, because those agreements contained survival clauses that did not include the arbitration provision as a term that survived the expiration of the agreements. In a case of first impression at the

federal appellate level, the Sixth Circuit reversed and compelled arbitration. The court of appeals held that the absence of the arbitration clause from the list of surviving provisions was insufficient to overcome the presumption that an agreement to arbitrate disputes survives the expiration of a contract.

Other Info About Matt

Education

Harvard Law School, J.D., 1995, *cum laude*

Northwestern University, B.A., 1992, with highest distinction

Clerkships

The Honorable David A. Nelson, United States Court of Appeals for the Sixth Circuit

Courts

Supreme Court of the United States

Second Circuit Court of Appeals

Fourth Circuit Court of Appeals

Fifth Circuit Court of Appeals

Sixth Circuit Court of Appeals

Seventh Circuit Court of Appeals

Eighth Circuit Court of Appeals

Ninth Circuit Court of Appeals

District of Columbia Circuit Court of Appeals

Recognition

Selected to Ohio Super Lawyers, 2018-2026

American Academy of Appellate Lawyers

The Best Lawyers in America®: Commercial Litigation, 2013-2027; Litigation – Antitrust, 2013-2027, "Lawyer of the Year," 2013, 2018, 2023, 2025

Cincy Leading Lawyers, Antitrust and Appellate Litigation, 2006 – present

AV® Pre-Eminent Rated, *Martindale-Hubbell®*

Civic Activities

Springer School and Center (primary school for children with learning disabilities), Trustee, 2009-2018, 2019-present; President, 2014-2017

Firm Committees

Chief Legal Officer

AI Committee

Contingency Fee Committee

Sarbanes-Oxley Committee

Major Publications

Editor-in-chief and contributing author: "Sixth Circuit Practice Manual" (LexisNexis 3d ed. 2006)

"Kentucky Appellate Practice" (Thompson/West 2006) Snyder, Sumner and Blickensderfer

Featured Articles

Mastering Video Arguments

Corporate Transparency Act Faces Constitutional Hurdle

Supreme Court Rules that States Can't Take More Property Than They Are Owed

Court Strikes Down Arbitrary Fee Increases for Debtors in Bankruptcy Cases

DOJ & FTC Provide Guidance on Antitrust Enforcement in the Face of COVID-19

iPhone Users have Standing to Sue Apple for Alleged Monopolization

AT&T / Time Warner Ruling Offers Insights into Antitrust Landscape

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