



Daniel C. Gibson

Partner



Dan Gibson is a litigation partner and co-chair of Bricker & Eckler’s appellate practice group. His practice focuses primarily on appeals, complex and class action litigation, general/commercial litigation and administrative law. Dan has substantial experience in defending financial institutions in consumer litigation, prosecuting hospital Medicare reimbursement appeals in federal court, and litigating business and property disputes in the energy and oil and gas industries.

With an emphasis on dispositive motion practice, appellate brief writing, and oral advocacy, Dan has developed a reputation as a first-class litigator at both the trial and appellate stages in state and federal courts throughout Ohio and beyond. He has appeared before the United States Courts of Appeals for the Sixth, Seventh and D.C. Circuits, before the Ohio Supreme Court, before nearly all of the intermediate courts of appeals in Ohio, as well as numerous federal and state trial courts.

Prior to joining Bricker & Eckler, Dan served as associate director of the Civil Justice Reform Project at the Hudson Institute in Washington, D.C.

CONTACT INFORMATION

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Bar Admissions & Activities

- Admitted, Supreme Court of the United States
- Admitted, Supreme Court of Ohio
- Admitted, United States Court of Appeals for the District of Columbia Circuit
- Admitted, United States Court of Appeals for the Sixth Circuit
- Admitted, United States Court of Appeals for the Seventh Circuit
- Admitted, United States District Court for District of Columbia
- Admitted, United States District Court for the Northern District of Ohio
- Admitted, United States District Court for the Southern District of Ohio
- Member, Columbus Bar Association

Education

- Stanford Law School (J.D., 2005)
- Davidson College (B.A., *cum laude*, 2002)

Awards & Recognition

- Listed, *Best Lawyers in America* (Commercial Litigation), 2022

INDUSTRIES & PRACTICES

Creditors' Rights, Restructuring & Bankruptcy
Oil & Gas
FinTech (Financial Technology)
Banking & Financial Services
Energy



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- Rising Star, *Ohio Super Lawyers* (Appellate; Civil Litigation: Defense; Class Action/Mass Torts: Defense), 2013–2020
- Champion, Stanford Law School Marion Rice Kirkwood Moot Court Competition, 2005

Professional & Community Activities

- Member, American Health Lawyers Association, Regulation, Accreditation, and Payment Practice Group

Experience

Class action lawsuit victory

Successfully argued before the Eleventh District Court of Appeals on behalf of the State of Ohio and the Ohio Department of Natural Resources (ODNR) in a case in which the plaintiff attacked the validity of a previously settled class action alleging that ODNR had unlawfully taken the private property of more than 13,000 property owners along Lake Erie's coast by incorrectly identifying the public/private boundary along the shore. The Court upheld enforcement of the settlement agreement and the civil contempt order.

Secured a \$42 million court award for three Ohio school districts

Secured \$42 million judgment, plus interest, for Cleveland, Dayton and Toledo city school districts after the Ohio Department of Education unlawfully deprived the districts of the funding they were entitled to receive. For more details, please view Bricker's full recap of the case.

Oil and gas transactions and disputes

Provide Ohio-specific legal counsel to Gulfport Energy Corporation on a variety of transactional and litigation matters primarily involving title issues and oil and gas lease disputes, including several appeals.

OPSB certificate for Ohio wind project

Represented 6011 Greenwich Windpark before the Ohio Power Siting Board. In August 2014, the OPSB granted the project a certificate to construct and operate a 60-megawatt wind project in Huron County, Ohio. The firm continued to represent the project against a landowner opposition group, culminating in a successful dismissal of the challenge at the Ohio Supreme Court.



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Unanimous ruling against controversial ballot issue

Represented the Ohio Renal Association and defended against a controversial ballot issue related to the provision of dialysis services, receiving a favorable 7-0 ruling from the Ohio Supreme Court. The petitioners, who represented out-of-state interests, collected signatures to place an industry-altering price control measure in the form of an amendment to the Ohio Constitution on the November 2018 ballot. However, using state-of-the-art technology built by the firm, as well as the experience of numerous attorneys, Bricker's legal team proved that the petitioners violated Ohio law, disqualifying the issue from voter consideration. From reviewing ballots, analyzing petition signatures and serving as county counsel with local boards of elections to researching and analyzing the applicable laws and representing the client before the Court, more than 80 Bricker team members played a role in this substantial victory.

Expiration of oil and gas leases

Represented oil and gas clients in various Ohio appellate courts, including the Ohio Supreme Court and various intermediate appellate courts regarding expiration of leases.

DMA amicus briefs

Filed amicus briefs on behalf of oil and gas clients in various Ohio appellate courts regarding the Ohio Dormant Minerals Act, including the Ohio Supreme Court.

Medicare reimbursement matters

Represent large teaching hospitals and other non-teaching hospitals on Medicare reimbursement matters and cost report appeals, which include appeals of administrative agency decisions and various court appearances.

Ohio Dormant Minerals Act appeals

Represented oil and gas clients in various Ohio appellate courts, including the Ohio Supreme Court and various intermediate appellate courts regarding Ohio Dormant Minerals Act appeals.

Private arbitration for pharmaceutical developer

Represented a pharmaceutical developer in a private arbitration, securing an award of over \$1 million, including attorney fees, against a global pharmaceutical manufacturer.

Amicus in support of HHS interpretive rule

Prepared an amicus brief on behalf of the American Hospital Association in support of the U.S. Department of Health and Human Services (HHS) interpretive rule providing guidance on the scope of the exclusion of orphan drugs from 340B discounts.



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Class action lawsuit regarding appropriation proceedings

Represented the State of Ohio, the Ohio Department of Natural Resources and its director in a class action lawsuit brought by all Lake Erie lakefront property owners regarding appropriation proceedings for more than 10,000 parcels of land. The question before the court was whether the State's claim of public trust ownership to the ordinary high water mark (which was rejected by the Ohio Supreme Court) — whether made through general public statements, in specific lease negotiations or by other means — constitutes an unconstitutional taking of private property.