



## **Timothy M. Opsitnick**

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Technology Concepts & Design, Inc.**

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### **OVERVIEW**

Timothy M. Opsitnick is the Executive Vice President and General Counsel, Technology Concepts & Design, Inc. ("TCDI"). Opsitnick is at the forefront of practitioners addressing issues involved in the security and discovery of electronically stored information.

Opsitnick founded JURINNOV Ltd. ("JURINNOV") in 2000. JURINNOV provided data privacy, cybersecurity, computer forensics and eDiscovery services. JURINNOV was acquired by TCDI in 2016, expanding TCDI's services to include data privacy, cybersecurity, and computer forensics consulting. Prior to that time, Opsitnick was with the law firm of Jones Day, where he was a member of the Litigation and Product Liability sections. His practice concentrated on the management of complex, multi-district litigation.

Opsitnick is a strong advocate for small business and is actively involved in local and national chambers of commerce. He currently serves as the Immediate Past Chairman for The Council of Smaller Enterprises (COSE) which is the largest municipal Chamber of Commerce in the United States with over eleven thousand members of small businesses. He also serves on the Board of Trustees for the National Small Business Association.

### **EDUCATION**

Ohio Wesleyan University, Delaware, Ohio – 1978-82  
Bachelor of Arts, Political Science and Psychology  
Phi Beta Kappa

Case Western Reserve University, School of Law, Cleveland, Ohio – 1982-85  
Juris Doctor

### **BAR ADMISSIONS**

United States Supreme Court

Northern District of Ohio

State of Ohio

**LICENSES**

Licensed Private Investigator, State of Ohio

**PROFESSIONAL ASSOCIATIONS**

Cleveland Metropolitan Bar Association – Litigation Section, Cyber Security, Data Privacy & Emerging Technologies Section, and Legal Innovators Section

Ohio Bar Association – Litigation Section

American Bar Association – Section of Science and Technology Law (Information Security Committee, Privacy and Computer Law Committee), Law Practice Management Section, Section of Intellectual Property Law, Section of Litigation (Pretrial Practice and Discovery Committee, Technology for the Litigator Committee)

American Corporate Counsel Association (ACCA), Cleveland Chapter

Association of Records Managers and Administrators International (ARMA), Cleveland Chapter

InfraGard

International Association of Privacy Professionals (IAPP)

**BOARDS**

CyberOhio Advisory Board, Ohio Attorney General Mike DeWine (2017 to 2019)

CyberOhio Advisory Board, Innovate Ohio (2019 to present)

Chairman, Council of Smaller Enterprises (COSE), (2022-2023)

Board of Visitors, Cleveland-Marshall College of Law, Cleveland State University (2018 to present)

National Small Business Association (NSBA), Board of Trustees (2021 to present)

National Small Business Association (NSBA), Environment and Regulatory Affairs Committee (2021 to present)

National Small Business Association (NSBA), Chairman, Washington Presentation Committee (2022 to 2023)

National Small Business Association (NSBA), Chairman, Environment and Regulatory Affairs Committee (2023 to present)

Council of Smaller Enterprises (COSE), Board of Directors (2017 to present)

Council of Smaller Enterprises (COSE), Board of Directors, Executive Committee (2017 to present)

Council of Smaller Enterprises (COSE), Small Business Caucus (2014 to present), Chair (2018 to 2020)

Greater Cleveland Partnership (GCP), Board of Directors (2018 to present)

Greater Cleveland Partnership (GCP), Board of Directors, Executive Committee (2021 to present)

Greater Cleveland Partnership (GCP), Government Affairs Counsel (2016 to present), Vice Chair (2018 to 2020)

Westlake/Bay Village Rotary (2005-2009), President (2007-2008)

Entrepreneurs' Organization (2008-2009), Cleveland Chapter, Membership Chairman

Red Tail Master Homeowners Association (2003-2008, 2015 to present), President (2003-2007)

Red Tail Master Homeowners Association, Architectural Review Board (2003 to present)

Cleveland Association of Phi Beta Kappa (2011 to present)

## **STANDARDS DRAFTING AND ADVISORY**

The Sedona Conference Leadership Council (2021 to present)

Steering Committee, Sedona Conference's Working Group Series on Best Practices for Electronic Document Retention and Production (WG1) (2018 to 2020)

Founding member, Sedona Conference's Working Group Series on Best Practices for Electronic Document Retention and Production (WG1)

WG1 Steering Committee Liaison, *The Sedona Conference Commentary On The Need For Guidance And Uniformity in Filing ESI and Records Under Seal*, THE SEDONA CONFERENCE, 23 Sedona Conf. J. 379 (2022)

WG1 Steering Committee Liaisons and Editors-in-Chief, *The Sedona Conference Commentary on Legal Holds, Second Edition: The Trigger & The Process*, THE SEDONA CONFERENCE (June 2019)

Drafting Team, *The Sedona Principles, Third Edition: Best Practices, Recommendations and Principles for Addressing Electronic Document Production*, THE SEDONA CONFERENCE (2017)

Contributor and Editor to the publication, *The Sedona Guidelines: Best Practice Guidelines & Commentary for Managing Information & Records in the Electronic Age*, THE SEDONA CONFERENCE (Second Edition 2007)

Contributor and Participant to the publication, *The Sedona Principles, Second Edition: Best Practices, Recommendations and Principles for Addressing Electronic Document Production*, THE SEDONA CONFERENCE (2007)

Contributor and Participant to the publication, *The Sedona Principles: Best Practices, Recommendations and Principles for Addressing Electronic Document Production*, THE SEDONA CONFERENCE (Revised January 2004)

Founding member, Sedona Conference's Working Group Series on International Electronic Information Management, Discovery and Disclosure (WG6)

Founding member, Sedona Conference's Working Group Series on Data Security and Privacy Liability (WG11)

Founding member, Sedona Conference's Technology Resource Panel

Advisor and contributor to **Information Security for Lawyers and Law Firms**, April 2006, Section of Science and Technology Law, and the Law Practice Management Section (ABA)

Past member of the Advisory Board for Georgetown University Law Center's Continuing Legal Education for the development of programs for its E-Discovery Institute (2004-2021)

Past member of the Advisory Board for Georgetown University Law Center's Continuing Legal Education for the development of the E-Discovery Training Academy

Member of Advisory Board for the American College of e-Neutrals an organization dedicated to the education, training, credentials, and use third party referees—mediators, arbitrators, masters, judges, liaisons and magistrates—committed to resolving disputes arising from electronically stored information

Founder, ESIBytes.com which provides podcasts (audio broadcasts) from attorneys, technical experts and judges regarding emerging issues concerning electronic discovery. The podcasts are offered at no charge to bring awareness to legal issues and good business practices concerning electronically stored information

Founder, Cleveland eDiscovery, Data Privacy and Cybersecurity Roundtable

National Advisory Board, Center for Cybersecurity and Privacy Protection, Cleveland-Marshall College of Law (Co-Chair 2018-present)

Conference Planning Committee, Cybersecurity and Privacy Protection Conference, Center for Cybersecurity and Privacy Protection, Cleveland-Marshall College of Law

Duke Law Center, Bolch Judicial Institute, Electronic Discovery Reference Model (EDRM)

Editor, *Technology Assisted Review (TAR) Guidelines*, Duke Law Center, Bolch Judicial Institute, EDRM (January 2019)

Duke Law Center, Bolch Judicial Institute, North Carolina Bench-Bar Thought-Leadership Association (2017-2019)

Member of the Advisory Council, EDRM

Cleveland-Marshall College of Law eDiscovery Distance Learning Program, Advisory Board and Faculty

EDI/Duke Law Advanced E-Discovery Program Faculty

## **PUBLICATIONS**

***Spyware, in Information Security for Lawyers and Law Firms***, Section of Science and Technology Law, and the Law Practice Management Section (ABA), April 2006.

***Metadata, in Information Security for Lawyers and Law Firms***, Section of Science and Technology Law, and the Law Practice Management Section (ABA), April 2006.

***Internet Hosting Services Checklist, in The Electronic Evidence and Discovery Handbook: Forms, Checklists and Guidelines***, Law Practice Management Section (ABA), April 2006.

**“Electronic Records Create Greater Value, New Risks,”** Cleveland Bar Journal, February 2006.

**“Computer Forensic Technology: Looking for ... ‘Just the Facts Ma’am,’”** Cleveland Bar Journal, January 2006.

**“Social Media -- After the Breach,”** Information Security and Privacy News, A Publication of the Information Security Committee, American Bar Association, Section of Science and Technology Law, Winter 2013, Volume 4, Issue 1.

**“Client Data Security Obligations Begin with the Law Firm,”** Law Technology News, November 9, 2016.

**“Using Computer Forensics to Investigate Employee Data Theft,”** Cybersecurity Law and Strategy, April 2017.

**“Using Computer Forensics to Investigate Employee Data Theft,”** LegalTech News, April 13, 2017.

“**Law Firm Privacy and Data Security,**” North Carolina Lawyers Weekly, June 25, 2018.

**SPECIAL MASTER AND OTHER COURT APPOINTMENTS**

*In Re World Trade Center Disaster Site Litigation*, (S.D.N.Y), Case No. 21 MC 100.

*Marjorie Reimer v. Dennis Reimer*, (Cuyahoga County Domestic Relations, Ohio), Case No. DR05 307226.

*Cleveland Area Board of Realtors v. Lustic*, (N.D. Ohio), Case No. 1:05CV0086.

*Medtronic, Inc. v. St. Jude Medical, Inc. et al.*, (County of Ramsey, State of Minnesota).

*William J. Yung, et al. v. Grant Thorton, LLP and The 1994 Yung Family Trust*, (Kenton Circuit Court, State of Kentucky), Case No. 07-CI-02647.

*The Timken Company v. Chi Cheung*, (County of Stark, State of Ohio), Case No. 2012 CV 02802.

Approved E-Discovery Special Master for United States District Court (W.D. PA).

**EXPERT WITNESS**

*In Re Tyco International, LTD., Securities Litigation*, (D.N.H), Case No. 02-MDL-1335-B.

*Ebling and Ebling, et al. v. The Dow Chemical Company, Inc., et al.*, (Floyd County, Indiana), Case No. 22D01-9601-CT-30.

*CSAHS/UHHS - Canton, Inc. d/b/a/ Mercy Medical Center v. Aultman Health Foundation, et al.*, (Stark County, Ohio), Case No. 2007-CV-05227.

*Michael E. Cullen v. State Farm Automobile Insurance Company*, (Cuyahoga County, Ohio), Case No. 555183.

*Bradley B. Larsen, et al. v. Coldwell Banker Real Estate Corporation, et al.*, (C.D. Cal.), Case No. 2ACV10-00401, AG (MLGX).

*Dulles Jet Center Litigation v. Landow Aviation L.P., et al.*, (Loudoun County, Virginia), Consolidated Case No. CL 00061040.

*Medline Diamed, LLC v. Diamed USA, LLC, et al.*, (Stark County, Ohio), Case No. 2011CV00128.

*Acklin v. Cuyahoga Community College, et al.*, (Cuyahoga County, Ohio), Case No. 10 736415.

*United States of America, and the States of California, Illinois, North Carolina and Ohio v. Dish Network, L.L.C.*, (C.D. Ill.), Case No. 3:09-CV-03073-SEM-BGC.

*Energy Intelligence Group, Inc. and Energy Intelligence Group (UK) Limited v. Keybank Capital Markets Inc.*, (S.D. TX), Case No. 13-CV-01252.

*State Farm Lloyds*, multiple wind/hail matters in Texas state and federal courts.

*Bridgestone Americas, Inc. v. International Business Machines Corporation*, (M.D. Tenn.), Civil Docket No. 3:13-CV-1196.

*EPAC Technologies, Inc. v. Harper Collins Christian Publishing, Inc. f/k/a Thomas Nelson, Inc.*, (M.D. Tenn.), Civil Docket No. 3:12-CV-00463.

*Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation v. Rimini Street, Inc. and Seth Ravin*, (D. NV.), Case No. 2:10-CV-0106-LRH-PAL.

*Rimini Street, Inc. v/ Oracle USA, Inc.*, U.S., No. 17-1625, 3/4/19.

*Applied Maintenance Supplies and Solutions, LLC v. Bradley Black*, (Polk County, Iowa), Case No. TBD.

*In Re State Farm Lloyds*, (Tex.) Case No. 15-0903, 15-0905.

*State of Ohio ex rel Brian J. Essi v. City of Lakewood, Ohio*, Case No. CA-16-104659 (8<sup>th</sup> App. D, Cuyahoga County, Ohio).

*Mitchell v. State Farm Fire and Casualty*, (N.D. Miss.), Case No. 3:17-CV-170-MPM-RP.

*In Re: 3M Combat Arms Earplug Products Liability Litigation*, (N.D. FL), Case No. 3:19-md-2885-MCR-GRJ and 7:20-cv-00026.

*State of North Carolina v. JUUL Labs, Inc.*, (Durham County, NC, Superior Court), Case No. 19-CVS-2885.

*Barnett v. State Farm Fire and Casualty*, (Polk County, OK), Case No. CJ-20-141.

*Hosier v. State Farm Fire and Casualty*, (Oklahoma County, OK), Case No. CJ-2021-1741.

## **LEGISLATIVE TESTIMONY**

Senate Bill 220, Data Protection Act, Ohio Senate Government Oversight & Reform Committee, January 10, 2018

Senate Bill 220, Data Protection Act, Ohio House Government Oversight & Accountability Committee, June 27, 2018

Small Business Advisory Council, Common Sense Initiative, Ohio Governor's Office, March 2, 2023

House Bill 33, Higher Education Budget, House Finance Committee, March 29, 2023

## **AWARDS**

2007 Socha-Gelbman Top Provider Electronic Discovery Survey

2010 Ringtail Partner Consultants of the Year

2010 Inc. 5000 Fastest Growing Companies, No. 2300

2012 Goldman Sachs 10,000 Small Businesses Alumni

2023 Entrepreneurial Leadership Award, Cleveland Rotary and Monte Ahuja College of Business, Cleveland State University

## **PATENTS**

System and Method Facilitating Management of Law Related Service(s). U.S. Patent 7,865,450, January 4, 2011

## **TRAINING**

Sandler President's Club Advanced Sales Training, Sales Concepts Inc., (2003 to present)

## **MEDIA APPEARANCES**

**How to Protect Yourself from Cyber Fraud**, WKYC, Cleveland, Ohio, September 2, 2014

**Cybersecurity Expert: Data Breaches Evolving**, 19 Action News, Cleveland, Ohio, September 2, 2014

**Cyber Security Firm Founder on Target Breach**, WKYC, Cleveland, Ohio, January 10, 2014

**Cyber Experts Offer Tips to Those Impacted by Target Data Breach**, WKYC, Cleveland, Ohio, December 20, 2013

**Computer Forensics**, Cox Cable, Business Channel, Northeast Ohio, recurring throughout October, 2004