



## Kimberly Weber Herlihy

PARTNER

### Columbus

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Columbus, Ohio 43215

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### Practice Areas

Copyrights

eCommerce Litigation

Franchising and Distribution

Intellectual Property

Litigation and Appeals

Securities, Shareholder Disputes  
and Corporate Governance

Trade Secrets

### Education

Georgetown University Law  
Center, J.D., *magna cum laude*,  
1997, Order of the Coif

Boston College, B.A., *magna cum  
laude*, 1993

### Bar & Court Admissions

Ohio

U.S. Court of Appeals for the Sixth  
Circuit

U.S. District Court for the  
Northern District of Ohio

Kim is a partner in the Vorys Columbus office and a member of the trial group. She has a varied litigation practice and extensive trial experience, with a focus on commercial litigation. She has tried a broad range of commercial cases in state and federal courts, including trademark, domain name and copyright infringement, real estate transfers, wrongful death and commercial contract cases. Recently, Kim has focused her practice on litigating antitrust, intellectual property, franchise and insurance coverage issues facing the firm's business clients.

### Career highlights include:

- Lead trial counsel defending major chemical company against a \$600 million contribution claim arising out of the Norfolk Southern train derailment in East Palestine, Ohio; following a three-week federal court trial, jury allocated zero liability to Vorys' client
- Lead counsel for two-dozen major retailers in antitrust litigation against Visa and MasterCard regarding fees paid for credit card acceptance
- Successfully defending a major chemical company in both federal and state court proceedings alleging misappropriation of confidential scientific information, obtaining dismissal of both cases after evidentiary hearing
- Successfully representing the NCAA in multiple matters, including bench trial, involving college athlete eligibility issues
- Decades-long representation of nationwide tools franchisor in dozens of franchisee disputes, including successful defense in Ninth Circuit of favorable arbitration agreement
- Successfully defending nationwide paper products company in trademark infringement litigation at preliminary injunction hearing
- Trying to jury verdict in our clients' favors a multi-plaintiff commercial fraud case against national insurance company on behalf of several brokerage companies
- Representing nationwide tax franchisor in legal disputes and injunctive proceedings related to non-compete and non-solicitation

U.S. District Court for the Southern District of Ohio

*Admitted to practice law only in the states listed above.*

**Industries**

Colleges and Universities

Construction

Retail and Consumer Products

**Clerkships**

The Honorable James G. Carr, Chief Judge, U.S. District Court for the Northern District of Ohio, 1997-1998

obligations

- Co-lead counsel in a successful bench trial of wrongful death and survivorship claims following a graduate student's death after a high-altitude scientific expedition
- Winning preliminary injunction hearing, bench trial and attorneys' fees for major central Ohio developer in suit against property owner, including through two levels of appeals
- Lead counsel for nationwide cleaning franchise in damages trial of vendor dispute, successfully limiting jury award
- Successfully representing nationwide cleaning franchise in injunctive proceedings to terminate franchisee
- Representing local electrical business in jury trial regarding shareholder derivative claims by former employees and participants

Kim has presented seminars on various litigation and trial advocacy topics, including the use of demonstrative evidence, deposition techniques and expert witnesses. For several years, she was an adjunct professor at The Ohio State University Moritz College of Law, teaching trial advocacy, and she regularly serves as a mock judge in trial and appellate competitions in Ohio.

In 2016, Kim was inducted into the American College of Trial Lawyers, an invitation-only association of trial lawyers who have demonstrated the very highest standards of trial advocacy, ethical conduct, integrity, professionalism and collegiality, limited to the top 1% of trial lawyers in the United States. She is also a member of the International Academy of Trial Lawyers, which is limited to the top 500 trial lawyers in the United States under the age of 70.

Kim was a judicial law clerk to the Honorable James G. Carr, Chief Judge in the U.S. District Court for the Northern District of Ohio from 1997 to 1998.

Kim received her J.D. *magna cum laude* from Georgetown University Law Center, where she was a member of the Order of the Coif. She received her B.A. *magna cum laude* from Boston College.

In her spare time, Kim is the lead singer in a garage rock band and the online announcer for the Grandview Heights High School girls soccer team.

## Honors & Recognitions

*Columbus CEO*, Best Lawyers, Information Technology, 2022; Litigation – Antitrust, 2022, 2025; Litigation – Commercial, 2023

*The Best Lawyers in America*, Litigation – Labor and Employment "Lawyer of the Year," 2021

*The Best Lawyers in America*, Commercial Litigation, 2012–2026; Litigation – Labor and Employment, 2016–2026

*Ohio Super Lawyers*, Antitrust Litigation, 2026

*Ohio Super Lawyers Rising Stars*, General Litigation, 2005–2007

Martindale-Hubbell AV Peer Review Rated

## Professional and Community Activities

American College of Trial Lawyers, Fellow, 2016 to present

International Academy of Trial Lawyers, Member, 2021 to Present

Court Appointed Special Advocates of Franklin County, Board Member, 2006–2012

Grandview Youth Football Association, Board Member, 2011–2015

Grandview Baseball and Softball Association, President, 2015–2017; Board Member, 2012–2020