



John N. Neal
Partner & Vice Chair |
Litigation

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WH | BURKLEY
ATTORNEYS AT LAW

OVERVIEW

John is a Partner and Vice Chair of WH Burkley's Litigation Group, head of the firm's Hospitality & Liquor Control practice, and a member of the Corporate Group. John focuses his practice on state and federal liquor permit licensing, and the licensing of Ohio's new medical marijuana industry. John has also developed a diverse set of legal skills with complex commercial litigation, employment law, business organizations, insurance coverage, real estate, and business services. As such, he has been retained as outside general counsel by companies who need same-day answers on a variety of issues. Having previously founded his own law firm, John understands businesses from an insider's perspective.

John is experienced in counseling companies and individuals on the intricacies of Ohio's regulation of the liquor industry, including representation of liquor manufacturers, distributors, state liquor agencies, and retail permit holders. These services include transactional representation between buyers and sellers of liquor permits, obtaining liquor permits through the Ohio Division of Liquor Control, negotiating the transfer of permits, and litigating violations before the Ohio Liquor Control Commission and the courts. Clients of these services include independent restaurants, breweries, distilleries, wineries, professional sports teams, hotel and restaurant chains, supermarkets, real estate developers, concessionaires, and large public venues such as concert theaters and stadiums.

John is often retained to appear before the Ohio Liquor Control Commission to appeal the non-renewal or rejection of a retail permit holder's liquor permit after the permit holder has lost it upon an objection by a city or township. He has successfully obtained the reversal of such rejections in numerous high profile and contentious cases. While becoming one of the handful of attorneys in Ohio who has a full-time liquor permitting and medical marijuana licensing practice, John has maintained an active commercial litigation practice, and has significant bench and jury trial experience, particularly in shareholder and trade disputes. His understanding of both litigation dynamics and business transactions allow him to offer comprehensive business

planning and risk management counsel. This is particularly the case for clients in the food and beverage industry.

EXPERIENCE

COMMERCIAL LITIGATION

- Tried a trade secrets case to successful plaintiff's jury verdict in Ohio state court over three weeks involving over 30 called witnesses
- Obtained sanctions twice against defendant in trade secrets claim in U.S. District Court, first requiring payment of the client's attorney's fees by the defendant for discovery misconduct, and second, obtaining an adverse jury instruction for defendant's failure to preserve evidence
- Handled all litigation, plaintiff and defense, for mid-sized label manufacturing client in Northeast Ohio, including UCC claims for non-conforming goods and breach of contract over customized goods
- Defended breach of contract, fraud, and accounting claim brought by member of restaurant group against majority member, and effectuating buyout of minority members after positive case disposition
- Retained as corporate counsel to oversee insurance defense appointed counsel in trucking cases involving permanent injuries and death
- Obtained dismissal of all claims by a home builder against an oil and gas developer over property rights, and sustained the dismissal before Ohio's Ninth District Court of Appeals
- Defended a credit union against claims by joint account holders over UCC banking regulation claims and sustained summary judgment dismissal before Ohio's Eighth District Court of Appeals
- Litigated insurance coverage dispute cases to summary judgment dismissal over policy construction and interpretation as a matter of law
- Counseled restaurant group client on defending trademark claims brought against it by competing restaurant group challenging use of name

BUSINESS SERVICES

- Retained to act as outside general counsel for restaurant groups and mid-sized manufacturing clients, effectuating member/shareholder buy-outs, entity organizational changes, asset purchases/sales, and employee matters

- Structured entity to make application for the anticipated licenses under Ohio's constitutional amendment to legalize medical marijuana in the state
- Engaged for new business start-up organization, planning, shareholder/member agreements, and private financing procurement
- Retained to negotiate leases for developers and tenants, involving restaurants, hotels, and other entertainment facilities
- Negotiated purchase of numerous Ohio liquor agency stores, particularly for grocery store clients
- Structured officer and manager compensation agreements for small and mid-sized companies
- Retained by developers to advise on state and federal licensing concerns prior to construction so as to take best advantage of liquor licensing regulations, including community entertainment districts and outdoor refreshment areas
- Effectuated asset purchases involving chain business, from hotels, restaurants, and convenience stores, followed by securing all licensure required by transaction

HOSPITALITY AND LIQUOR CONTROL LAW

- Processed over one thousand new and transfer liquor permit applications with the Ohio Division of Liquor Control
- Maintains first-name familiarity with all regulators in the various sections of the Ohio Division of Liquor Control, including the superintendent's office, licensing, investigations and compliance, beer and wine, agency operations, temporary permit section, and renewal sections
- Participated in the structuring and drafting of Ohio's constitutional amendment to legalize medical marijuana in the state, as submitted by Ohioans for Medical Marijuana (OMM), with the support of the Marijuana Policy Project in Washington, D.C.
- Counsels individuals and businesses on obtaining medical marijuana licenses in brand new Ohio marijuana industry
- Formed community entertainment districts in Ohio, including Cleveland's Flats District and Uptown District
- Expedited a Cleveland permit transfer from start to finish in seven days, after the client's business had been forced to close its doors due to a prior failed permit transfer
- Reinstated a liquor permit that had been non-renewed and subsequently cancelled five days later by obtaining an emergency hearing before the Ohio Liquor Commission

- Coordinated with Ohio's liquor compliance officers, to negotiate solutions to compliance problems in lieu of the permit holder obtaining a permit citation
- Acts as outside general counsel to restaurant groups, answering everyday questions on liquor law and risk matters
- Won local options votes to "wet" a location for liquor sales, including Sunday sales
- Negotiated sponsorship agreement for beverage manufacturer and professional sports team
- Negotiated a licensing agreement for national concessionaire at a professional sports venue
- Litigated claims where a tenant was obligated to transfer a liquor permit to a new tenant, but refused to comply with the contract
- Defeated a municipality's objection to the renewal of a business's liquor permit for four consecutive years until municipality conceded

LITIGATION SERVICES

- Managed litigation and risk assessment decision making for restaurant groups and manufacturing clients, including employee matters, contract/trade disputes with suppliers, vendors, and customers
- Tried a plaintiff's claim against a contractor to a verdict, obtaining treble damages and award of attorney's fees
- Defended discrimination claims brought by employees, including age, sex, race, and sexual harassment claims in state and federal courts
- Obtained a judgment against an Ohio city preventing it from citing a local business for alleged violations of its building, zoning, or administrative code on First Amendment grounds
- Filed challenges to Ohio real estate tax valuations before the Board of Revision and Board of Tax Appeals, which have resulted in millions in property tax valuation savings and positive reported caselaw
- Defended Ohio homeowner's association against claim brought by association member, resolving claim and revising the condo association's declaration and bylaws
- Brought claim on behalf of homeowner against homebuilder for fraud, resulting in defendant paying over 50% over the plaintiff's compensatory damages during jury selection process

RECOGNITION

- *Super Lawyers* – Business Litigation (Ohio) | 2026-present
- *Martindale-Hubbell* – AV Preeminent

- Irish Legal 100's List of the Most Distinguished U.S. Legal Professionals with Irish Roots | 2021-2022

PRESENTATIONS

- Annual Liquor CLE Event, Ohio Department of Commerce Division of Liquor Control | 2023
- Medical Marijuana Seminar, Cleveland Metropolitan Bar Association | 2017
- "Legal and Practical Advice in Planning Compliant Events," Cleveland Metropolitan Bar Association | 2015
- "The 'Events' Event: Legal and Practical Advice for Arts Organizations in Planning Compliant Events," Cleveland Metropolitan Bar Association | 2014

ASSOCIATIONS

- National Association of Alcoholic Beverage Licensing Attorneys | Member
- National Alcohol Beverage Control Association | Member
- Ohio State Bar Association | Member
- Cleveland Metropolitan Bar Association | Member
- American Bar Association | Member

EDUCATION

- Case Western Reserve University, J.D.
 - *Cum laude*
 - *Health Matrix: Journal of Law-Medicine, Vol.12, Editor-in-Chief*
 - *Richard A. and Brandon S. Collier Award*
- Miami University, B.A.
 - *Magna cum laude*

FOCUS

- Litigation
- Corporate
- Liquor Control & Hospitality

NEWS

- Alcohol Sales and Ohio Mobile ID
- Overview: Ohio Liquor Permitting
- Ohio Recreational Marijuana Certified for November General Election
- Ohio Sports Gaming – Looming Pitfall for Ohio Liquor Permit Holders
- Ohio Constitutional Carry: Implications for Liquor Permitted Businesses
- Ohio Set to Legalize Sports Betting
- Ohio Board of Pharmacy Releases Applications for 73 New Medical Marijuana Dispensaries
- Sports Betting in Ohio: What You Should Know About the State's Proposed Law & How to Obtain a License
- Bar and Restaurant Assistance Fund: Permit Holders Encouraged to Apply by Dec. 18, 2020
- Last Call: Emergency Rule Forces Ohio Bars and Restaurants to End Alcohol Sales at 10 P.M.
- Beware of the Face Mask ID Issue When Ohio Bars and Restaurants Open Up
- Ohio's Plan to Reopen Restaurants and Bars
- Food Trucks Allowed to Operate at Ohio Rest Stops
- Cocktails To Go: Ohio Allows the Sale and Delivery of Hard Liquor Drinks
- COVID-19: Mitigating Risk and Allowing for Limited Operations of Restaurant Business in Ohio for Carry-Out and Delivery
- Pass the Permit: How to circumvent liquor permit quotas
- Outdoor Refreshment Areas Offer Major Appeal to Local Developers, But Only Time Will Determine Their Long-Term Feasibility

LICENSED

- Ohio
- U.S. District Court, Northern District of Ohio

- U.S. District Court, Southern District of Ohio
- U.S. Court of Appeals, 6th Circuit

OFFICE

- Cleveland